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SOUTH HAMS LICENSING COMMITTEE - MONDAY, 18TH JUNE, 2012

Agenda, Reports and Minutes for the meeting

Agenda No Item

1. **Agenda Letter** (Pages 1 - 2)

2. **Reports**

Reports to Licensing:

a) Item 7 -EXEMPT -To determine whether there may be 'reasonable cause' to revoke or suspend a Hackney Carriage Driver Licence (Pages 3 - 10)

3. **Minutes** (Pages 11 - 14)

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Agenda Item 1

Please reply to: Darryl White
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To: Chairman & Members of the Licensing Committee
(Cllrs Baverstock, Blackler, Carson, Carter, B Cooper,
Cuthbert, Gilbert, May, Pannell, Saltern, Squire and Wright).

Our Ref: CS/DW

cc: Usual officer and press circulation

8 June 2012

Dear Councillor

A meeting of the **Licensing Committee** will be held in the **Cary Room**, Follaton House, Plymouth Road, Totnes on **Monday, 18 June 2012 at 10.30am** when your attendance is requested.

Yours sincerely

Darryl White
Democratic Services Manager

<p>FOR ANY QUERIES ON THIS AGENDA, PLEASE CONTACT DARRYL WHITE DEMOCRATIC SERVICES MANAGER ON DIRECT LINE 01803 861247</p>

A G E N D A

1. **Minutes** - to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Licensing Committee held on 7 June 2012 (to follow);
2. **Urgent Business** - brought forward at the discretion of the Chairman;
3. **Division of Agenda** - to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
4. **Declarations of Interest** - Members are invited to declare any personal or prejudicial interests, including the nature and extent of such interests, they may have in any items to be considered at this meeting;

5. Exclusion of the Public and Press

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”;

6. **To determine whether there may be ‘reasonable cause’ to revoke or suspend a Hackney Carriage Driver licence** – following the decision of the Committee to adjourn this matter at its 7 June 2012 meeting, to re-consider an exempt report to determine whether there is reasonable cause to suspend or revoke a Hackney Carriage Driver Licence (papers as previously circulated to the Committee);
7. **To determine whether there may be ‘reasonable cause’ to revoke or suspend a Hackney Carriage Driver Licence** – to consider an exempt report which seeks to determine whether there is reasonable cause to suspend or revoke a Hackney Carriage Drivers Licence (page 1 to 11).

Members of the public may wish to note that the Council's meeting rooms are accessible by wheelchairs and have a loop induction hearing system

**MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER
THIS AGENDA HAS BEEN PRINTED ON ENVIRONMENTALLY FRIENDLY PAPER**

If you or someone you know would like this publication in a different format, such as large print or a language other than English, please call Darryl White on 01803 861247 or by email at: darryl.white@southhams.gov.uk

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MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON MONDAY 18 JUNE, 2012

MEMBERS

* Cllr J W Squire - Chairman

* Cllr B E Carson - Vice-Chairman

* Cllr J H Baverstock

* Cllr J I G Blackler

* Cllr B E Carson

* Cllr R J Carter

∅ Cllr B S Cooper

* Cllr P K Cuthbert

* Cllr R D Gilbert

* Cllr D W May

∅ Cllr C M Pannell

* Cllr M F Saltern

* Cllr J W Squire

* Cllr S A E Wright

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

All Agenda Items: Licensing Officer, Solicitor and Member Services Manager

Also in attendance:

Item 6 (Minute L.12/12 below refers): Licence holder

Item 7 (Minute L.13/12 below refers): Licence holder

L.9/12 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 7 June 2012 were confirmed as a correct record and signed by the Chairman.

L.10/12 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting and the following was made:

Cllr R J Carter declared a personal interest in Item 7 – To determine whether there may be ‘reasonable cause’ to revoke or suspend a Hackney Carriage Driver Licence’ (Minute L.13/12 below refers), by virtue of having the same doctor as used by the licence holder.

L.11/12 **EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”

L.12/12 **TO DETERMINE WHETHER THERE MAY BE REASONABLE CAUSE TO REVOKE OR SUSPEND A HACKNEY CARRIAGE DRIVER LICENCE – WHETHER THE DRIVER IS ‘FIT AND PROPER’**

Consideration was given to an exempt report which sought to determine whether there was ‘reasonable cause’ to suspend or revoke a Hackney Carriage Driver Licence in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006.

The Chairman reminded the Committee that this item had been deferred from the meeting held on 7 June 2012, in order that the licence holder be given the opportunity to attend and address the Committee (Minute L.5/12 refers).

The Licensing Officer briefly reiterated the key points, and then the licence holder was invited to make representations to the Committee.

Once the Committee and the licence holder were both content that they had no further points or questions to raise, the meeting was adjourned to consider the application.

The Committee proceeded to consider the application in the company of the Solicitor.

The Decision

The Chairman then proceeded to ask the Solicitor to announce the decision as follows:

‘In consideration of all of the evidence, the Committee has decided to suspend the Hackney Carriage Driver Licence of the licence holder, with immediate effect, for a period of three months. This suspension will end on 18 September 2012.’

L.13/12 **TO DETERMINE WHETHER THERE MAY BE REASONABLE CAUSE TO REVOKE OR SUSPEND A HACKNEY CARRIAGE DRIVER LICENCE – WHETHER THE DRIVER IS ‘FIT AND PROPER’**

Consideration was given to an exempt report which sought to determine whether there was ‘reasonable cause’ to suspend or revoke a Hackney Carriage Driver licence in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006.

The Licensing Officer introduced the report and outlined the key points. The licence holder then made representations to the Committee.

Once the Committee and the licence holder were both content that they had no further points or questions to raise, the meeting was adjourned to consider the application.

The Committee proceeded to consider the application in the company of the Solicitor.

The Decision

The Chairman then proceeded to ask the Solicitor to announce the decision as follows:

'Having taken everything into account, the Committee has decided to suspend the Hackney Carriage Driver Licence of the licence holder with immediate effect. The suspension is to remain in place until further information can be provided to confirm the details given by the licence holder in their representations to the Committee.'

(Meeting commenced at 10.00 am and concluded at 12.30 pm).

Chairman

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