

**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