

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON THURSDAY 8 NOVEMBER 2012**

MEMBERS

* Cllr J W Squire - Chairman

* Cllr B E Carson - Vice-Chairman

* Cllr J H Baverstock

* Cllr J I G Blackler

* 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 S A E Wright

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

All Agenda Items: Business Support Manager, Licensing Officer, Solicitor and
Democratic Services Manager

L.14/12 MINUTES

The minutes of the meeting of the Licensing Committee held on 18 June 2012 and the Sub-Committees held during the period 13 June 2012 to 24 October 2012 were all confirmed as a correct record and signed by the Chairman.

L.15/12 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, but there was none made.

L.16/12 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.17/12 TO DETERMINE THE RENEWAL OF A PRIVATE HIRE DRIVER
LICENCE WHERE THERE MAY BE ‘REASONABLE CAUSE’ FOR
REFUSAL – WHETHER THE APPLICANT IS ‘FIT AND PROPER’**

Consideration was given to an exempt report which sought to determine whether there was 'reasonable cause' to refuse the renewal of a Private Hire 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 Business Support Manager informed that the applicant was unable to attend this meeting due to it clashing with a University examination. In addition, the applicant's employer had hoped to attend the meeting, but had been held up in traffic.

In light of the detailed information contained within the agenda papers, the Committee was happy to proceed and made a number of comments.

(At this point, the Committee adjourned to make a decision and were joined by the Solicitor and Democratic Services Manager).

The Decision

The Chairman then proceeded to announce the decision as follows:

'The Committee is minded to grant the application as submitted.'

L.18/12 RE-ADMITTANCE OF THE PUBLIC AND PRESS

RESOLVED

That the press and public be re-admitted to the meeting.

L.19/12 HACKNEY CARRIAGE – REVISED TABLE OF FARES FOR DECEMBER 2012 ONWARDS

The Committee considered a report which sought approval to change the Table of Fares for Hackney Carriages from December 2012.

In discussion, reference was made to:-

- (a) the proposed changes constituting a reasonable and fair increase;
- (b) the definition of extra luggage charges. The Committee requested that licence holders should be asked to state on the tariffs in their vehicles the definition of extra luggage charges. For clarity, it was noted that this definition would not include shopping bags.

It was then:

RESOLVED

1. That in respect of Hackney Carriages operating within the South Hams District Council, the maximum fares which may be charged should be set in accordance with the Table of

Fares as outlined in the Appendix to the presented agenda report; and

2. That the Table of Fares be advertised and come into effect in accordance with the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

L.20/12

THREE-YEARLY REVIEW OF GAMBLING STATEMENT OF LICENSING PRINCIPLES

Consideration was given to a report which sought approval of the proposed triennial 'Statement of Licensing Principles' for the period 2013-2016.

In discussion, reference was made to the belief that in the future, the range of consultees should be extended to also include the elected Police and Crime Commissioner.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that:

1. the 'Children and Young Peoples Services' (formerly the 'Local Safeguarding Children Board') be nominated in writing as the body competent to advise the authority about the protection of children from harm issues (Section 157(h) Gambling Act 2005);
2. the proposed triennial 'Statement of Principles' as amended be approved for the period 31 January 2013 to 30 January 2016; and
3. the Monitoring Officer, in consultation with the Chairman of the Licensing Committee be given delegated authority to make any minor amendments to the Constitution or Statement of Principles arising from the Council's licensing responsibilities under the Gambling Act 2005.

L.21/12

AGREED AMENDMENT SUB-COMMITTEE MEETINGS

The Council considered a report on revising the Constitution at its meeting on 29 March 2012 (minute 82/11 refers). In so doing, the Council resolved that the Monitoring Officer should be given delegated authority to finalise the delegations in respect of licensing functions, in the light of legal advice received.

On behalf of the Monitoring Officer, the Solicitor advised that:

- a) In the future, a formal hearing would only be necessary where any relevant representations (whether positive or negative) had not been formally withdrawn in writing;
- b) In the case of a relevant representation not being formally withdrawn in writing, but where the basis of the objection had been overcome by way of mediation, and accepted by the Applicant, no formal hearing would be required and the matter could be dealt with under the Scheme of Delegation by the Licensing Manager;
- c) In addition to b) above, the Licensing Manager may reserve the right to refer an application to the Licensing Sub-Committee for determination, if the Licensing Manager believed that the licensing objectives may still be undermined;
- d) When a meeting was convened of either the Licensing Committee or Licensing Sub-Committee, it would be appropriate for a standing agenda item to be included which sought to ratify those licenses which had recently been resolved through the agreed amendment process.

In discussion, the Committee was satisfied that this matter had now been resolved and was content to accept the advice of the Monitoring Officer.

(Meeting commenced at 2.00 pm and concluded at 2.55 pm).

Chairman