

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON THURSDAY 26 MAY 2016**

MEMBERS

* Cllr D W May - Chairman

* Cllr T R Holway - Vice-Chairman

* Cllr K Baldry	∅ Cllr R J Foss
* Cllr J I G Blackler	* Cllr P W Hitchins
* Cllr D Brown	* Cllr N A Hopwood
* Cllr B F Cane	* Cllr K Pringle
* Cllr P K Cuthbert	* Cllr Rowe

* Denotes attendance

∅ Denotes apology for absence

Also in attendance:

Cllr K R H Wingate

Officers in attendance and participating:

All Agenda Items: Licensing Specialist, Senior Specialist – Environmental Health,
Solicitor and Senior Case Manager Democratic Services

L.01/16 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 12 November 2015 and the Licensing Sub-Committee held on 24 March 2016 were all confirmed as a correct record and signed by the Chairman.

L.02/16 **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 none were made.

L.03/16 **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.04/16

TO DETERMINE WHETHER TO GRANT A HACKNEY CARRIAGE DRIVER LICENCE, IN EFFECT TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY CARRIAGE DRIVERS LICENCE CAN BE DEEMED A 'FIT AND PROPER' PERSON IN LIGHT OF PREVIOUS CRIMINAL CONVICTIONS

Consideration was given to an exempt report which sought to determine whether an applicant was a 'fit and proper' person to hold a Hackney Carriage Driver Licence with this Authority in accordance with section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Specialist introduced the report. The Applicant was in attendance at the meeting and was given the opportunity to address the Committee. Some Members asked questions of the Applicant and the Licensing Specialist.

(At this point, the Hackney Carriage Driver was asked to leave the meeting to enable the Committee to make a decision. The Solicitor remained in the meeting).

The Decision

The Chairman then proceeded to announce the decision as follows:

Members of the Licensing Committee have considered very carefully your application for a Hackney Carriage Driver Licence.

- We have read the Licensing Officer's report, which you have had sight of.
- We have read the details on the Disclosure and Barring certificate, taking into consideration the nature of the offences and when these were committed.
- We have listened very carefully to what you have told us this afternoon and read the references provided.
- The main priority of the licensing regime is to ensure public safety. As this is a civil matter, the evidence of proof is based on the balance of probabilities, the onus being on yourself to satisfy the Authority that you are a 'fit and proper person' to continue to drive a Hackney Carriage or Private Hire Vehicle.

The Committee has decided to REFUSE the renewal of your Joint Hackney Carriage and Private Hire Driver Licence. This decision is based on:

- The information provided on your Disclosure and Barring Service certificate suggests that you are not a 'fit and proper' person to hold a Hackney Carriage Driver Licence.
- This is due to the seriousness of the offences and the number of offences recorded.
- The period of time over which the offences took place.
- The most recent offence was less than three years ago with a serious sentence given.

(Meeting commenced at 2.00 pm and concluded at 2.50 pm).

Chairman

