MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 25 MAY 2017

MEMBERS

ø Cllr D W May - Chairman

* Cllr T R Holway - Vice-Chairman

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

* Denotes attendance
ø Denotes apology for absence

Officers in attendance and participating:
All Agenda Items: Specialist – Licensing; Deputy Monitoring Officer and Senior Specialist – Democratic Services

L.01/17 APPOINTMENT OF VICE-CHAIRMAN

In light of the Chairman having submitted his apologies to this meeting, nominations were invited to serve as Vice-Chairman for the duration of this meeting.

It was then:

RESOLVED

That Cllr D Brown be appointed Vice-Chairman for the duration of this meeting.

L.02/17 MINUTES

The minutes of the meeting of the Licensing Committee held on 24 November 2016 and the Licensing Sub-Committee meetings held during the period 22 March 2017 to 15 May 2017 were all confirmed as a correct record and signed by the Chairman.

L.03/17 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 were none made.

L.04/17   **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 item 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.05/17   **DETERMINATION OF A JOINT DRIVER LICENCE, IN EFFECT TO DETERMINE WHETHER THE LICENCE HOLDER CAN BE DEEMED A 'FIT AND PROPER PERSON' IN LIGHT OF A RECENT CRIMINAL CONVICTION**

Consideration was given to an exempt report that asked the Committee to determine whether an individual was a 'fit and proper person' to hold a Hackney Carriage / Private Hire Driver Licence with the Council in accordance with Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

Once the Specialist – Licensing had introduced the report, the individual was invited to make representations to the Committee. At the conclusion of this address, the Committee Members asked a series of questions.

Once all parties were satisfied that they had no more questions or issues to raise, the Committee adjourned at 10.25am in the presence of the Deputy Monitoring Officer and the Senior Specialist – Democratic Services.

Having fully considered the matter, the meeting was then re-convened at 10.45am and the Chairman read the decision as follows:

The Decision:

'*Members of the Licensing Committee have considered very carefully whether you are 'fit and proper' to continue to hold a Hackney Carriage and Private Hire Driving 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 today 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 **take no further action** in relation to your Hackney Carriage and Private Hire Driver Licence. This decision is based on:*

- *You are currently subject to a suspended sentence;*
- *You fully appreciate the seriousness of your offence;*
- *You have been open and honest with both the courts and the Committee today; and*
- *The Committee has decided unanimously that you do not pose a threat to public safety.*

(Meeting commenced at 10.00 am and concluded at 10.50 am).

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Chairman