

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT  
FOLLATON HOUSE, TOTNES ON THURSDAY 7 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: The Business Support Manager, Licensing Officer, Solicitor and Democratic Services Manager

Also in attendance:

Item 6 (Minute L.4/12 below refers): Applicant and his Employer

L.1/12 **MINUTES**

The minutes of the meetings of the Licensing Committee held on 17 February 2011, and of the Licensing Sub Committees held during the period 16 May 2011 to 3 May 2012, were each confirmed as a correct record and signed by the Chairman.

L.2/12 **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 none were made.

L.3/12 **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.4/12

## **TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY CARRIAGE DRIVERS LICENCE IS A 'FIT AND PROPER' PERSON TO HOLD SUCH A LICENCE**

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 Drivers Licence with this Authority, in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Business Support Manager introduced the item and drew Members' attention to the report and appendices. In addition, reference was made to the further papers, which had been circulated separately to the agenda.

In summarising, the Committee was asked to determine whether the applicant was a 'fit and proper' person on the balance of probabilities.

At this stage, the applicant and his employer were invited to make representations and respond to any questions.

Once the Committee and the applicant 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 Democratic Services Manager and the Solicitor.

### **The Decision**

The Chairman then proceeded to announce the decision as follows:

"Members of the Licensing Committee have considered very carefully your application to renew your Hackney Carriage Driver Licence for a further twelve months.

- We have read the Licensing Officer's report, which you have had sight of.
- We have read the comments made by the Police on the Criminal Record Bureau Disclosure.
- We have read your written submission together with that of your employer and two references from your colleagues supporting your good character.
- We have listened very carefully to what you have told us this afternoon regarding the domestic circumstances between yourself and the complainants;
- 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 Vehicle.

The Committee is going to GRANT the renewal of your Hackney Carriage Driver Licence. This decision is based on the allegations against you appearing to relate to domestic circumstances and the Authority have not received any other complaints about your behaviour in any other way.”

L.5/12

**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.

In introducing the matter, the Business Support Manager advised that the licence holder was unable to attend this meeting and had requested that the Committee consider adjourning the meeting to a later date.

Having discussed the merits of adjourning this matter at great length, a motion was **PROPOSED, SECONDED** and on being put to the vote was declared **CARRIED** that:-

“No decision be taken at this meeting and the matter be re-considered at the next Committee meeting, to be held on Monday, 18 June 2012 at 10.30am.”

L.6/12

**RE-ADMITTANCE OF THE PUBLIC AND PRESS**

**RESOLVED**

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

L.7/12

**STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 FOR 2013 TO 2016**

Members were advised that the Statement of Principles under the Gambling Act 2005 was in need of renewal for 2013 to 2016.

The Committee endorsed the proposal whereby a report be presented back to a future Committee meeting towards the end of 2012, in order to consider any submissions received during the consultation exercise.

L.8/12      **SUMMARY OF NEW/VARIATION OF PREMISES LICENCES ISSUED  
BETWEEN 4 APRIL 2011 AND 30 MARCH 2012 PLUS LICENCES  
ISSUED UNDER THE MISCELLANEOUS PROVISIONS ACT 1982  
PLUS OTHER MISCELLANEOUS LICENCES**

The Committee considered and noted the list of licences issued between 4 April 2011 and 30 March 2012.

(Meeting commenced at 2.00 pm and concluded at 3.35 pm).

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Chairman