

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 9 NOVEMBER 2023

MEMBERS

- * Cllr S Rake - Chairman
- * Cllr J Carson - Vice-Chairman

* Cllr V Abbott	∅	Cllr G Pannell
* Cllr G Allen	*	Cllr S Penfold
∅ Cllr N Dommatt	∅	Cllr A Presswell
* Cllr C Oram	*	Cllr D Thomas

- * Denotes attendance
- ∅ Denotes apology for absence

Officers in attendance and participating:
Monitoring Officer; Senior Licensing Officer; and Senior Democratic Support Officer

L.3/23 MINUTES

The minutes of the meeting of the Licensing Committee held on 9 March 2023 and minutes of the Licensing Sub Committee meetings held on 6 April 2023 and 22 June 2023 were confirmed as a correct record.

L.4/23 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY – PROPOSAL TO DELAY IMPLEMENTATION OF THE EURO NCAP SAFETY RATING STANDARD

Consideration was given to a report that asked the Committee to review whether the postponement of the Euro NCAP requirement should be extended for another twelve months so that currently licensed vehicles would need to be compliant by 1 January 2025. It was further reported that seven currently licensed vehicles would only achieve the 3-star rating and therefore not eligible for renewal after 1 January 2024.

The Licensing Officer introduced the report followed by Members of the Committee asking a series of questions, which included:

- When the drivers of the licensed vehicles were informed.
- The impact of losing the seven currently licensed vehicles.
- The impact on public safety.
- How often licensed vehicles were checked.
- Which areas the seven licensed vehicles covered.

During the debate, Members wanted to ensure the safety of the public but were aware by the introduction of the Euro NCAP rating could result in the loss of jobs. One Member recommended an amendment to the recommendation to delay the implementation of the Euro NCAP and to write to the drivers.

Following the debate, it was **PROPOSED, SECONDED** and **RESOLVED**

that:

- (1) Section 18 of the Policy is amended to delay the implementation of the requirement for currently licensed vehicles to hold a Euro NCAP Safety rating of 4 or 5 stars (out of 5), from 1st January 2024 until 1 July 2024 and to write to the drivers affected by this.
- (2) If the policy is amended, recommends to Council that the Hackney Carriage and Private Hire Policy is adopted at the meeting on 14th December 2023.

L.5/23 **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 3 of Part 1 of Schedule 12A to the Act”

L.6/23 **DETERMINATION OF WHETHER TO GRANT A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

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 in accordance with Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Specialist introduced the report, and the individual was invited to make representations to the Committee. At the conclusion of his address, Members of the Committee asked a series of questions.

Once all parties were satisfied that they had no more questions or issues to raise, the Committee adjourned at 2.55 pm in the presence of the Solicitor.

Having fully considered the matter, the meeting was then re-convened at 3.37 pm and the Chairman read the decision as follows:

Members of the Licensing Sub-Committee have considered very carefully your application for a Hackney Carriage and Private Hire Driver Licence.

- We have read the Licensing Officer’s report.
- We have also listened very carefully to what you have told us today.
- 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 remain a fit and proper person to hold a joint Private Hire and Hackney Carriage driver’s licence.

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

The Committee considered that although the Council's policy would normally mean that an application for a PHV/Taxi Driver's Licence would not be granted, the Committee felt that having heard from the Applicant of his commitment to the success of his business would be likely to result in him taking greater care not to commit further speeding offences and therefore the licence should be granted.

You are warned however that if you commit any further speeding offences or your conduct falls below that which is expected, the Committee may not take such a tolerant view.

(Meeting commenced at 2:00 pm and concluded at 3:40 pm).

Chairman