

SOUTH HAMS LICENSING COMMITTEE



Minutes of a meeting of the **South Hams Licensing Committee** held on **Thursday, 23rd August, 2018 at 2.00 pm** at the **Cary Room - Follaton House**

Present: **Councillors:**

Chairman Cllr May
Vice Chairman Cllr Holway

Cllr Blackler
Cllr Hopwood
Cllr Rowe

Cllr Brown
Cllr Pringle

In attendance:

Councillors:

Officers:
Senior Specialist – Licensing
Licensing Specialist
Deputy Monitoring Officer

1. **Minutes of last meeting**

L.01/18

The minutes of the meeting of the Licensing Committee held on 11 January 2018 were confirmed as a correct record and signed by the Chairman.

2. **Declarations of interest**

L.02/18

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.

Cllr D W May declared a personal interest in Item 6: '*Determination of whether to grant a Hackney Carriage and Private Hire Driver Licence, in*

effect to determine whether the applicant can be deemed a 'fit and proper person' in light of previous criminal convictions and other relevant motoring offences' (Minute L.04/18 below refers) by virtue of having undertaken limited business involvement with the applicants' supporter who was in attendance and remained in the meeting and took part in the debate and vote thereon.

3. **Exclusion of Public and Press:-**

L.03/18

It was then:

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 as the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act is involved

4. **Determination of whether to grant a Hackney Carriage and Private Hire driver licence, in effect to determine whether the applicant can be deemed a 'fit and proper person' in light of previous criminal convictions and other relevant motoring offences**

L.04/18

Consideration was given to an exempt report that sought to determine whether an applicant was a 'fit and proper person' to hold a joint Hackney Carriage and Private Hire Driver Licence with the Council in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

At the invitation of the Chairman, the applicant and her supporter provided background information relating to her previous convictions and offences and responded to Member questions.

At 2.20pm (once all parties were content that they had no further issues or points to raise), the Committee adjourned in the presence of the Council's Deputy Monitoring Officer and Senior Specialist Democratic Services.

At 2.50pm, the meeting was re-convened and the Chairman announced the decision.

RESOLVED

That the Committee has considered very carefully the application for a Hackney Carriage and Private Hire Driver Licence and has:

- read the Licensing Officer's report (which the applicant has also had sight of) and the Council's Taxi Licensing Convictions Policy;

- read the details on the Disclosure and Barring Certificate and DVLA record taking into consideration the nature of the offences and when these were committed;
- listened very carefully to the representations that have been made to the meeting;
- acknowledged that the main priority of the licensing regime is to ensure public safety. The Committee also recognises that, as a civil matter, the evidence of proof is based on the balance of probabilities; the onus being on the applicant to satisfy the Authority that they are a 'fit and proper person' to continue to drive a Hackney Carriage or Private Hire Vehicle.

The Committee has decided to **REFUSE** the application for a Joint Hackney Carriage and Private Hire Driver Licence. This decision is based on:-

1. Paragraph 22.3 of the Council's Policy referring to multiple convictions;
2. Paragraph 13.10 of the Council's Policy referring to the seriousness of driving without insurance; and
3. Failure to disclose an offence in the application which happened 6 years ago.

5. **Re-admittance of Public and Press**

L.5/18

It was then:

RESOLVED

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

6. **Consideration of an amendment to the Hackney Carriage and Private Hire Licensing policy to adopt a process to check and update the new National Register of Taxi Licence Revocations and Refusals.**

L.6/18

Consideration was given to a report that informed that the Local Government Association had written to all authorities in August 2018 with their guidance on adopting the National Register of Taxi Licence Revocations and Refusals.

The Committee noted that this guidance stipulated the procedure that a local authority would need to follow in order to provide data for the national register and to enable the Council to access it.

In discussion, some Members were of the view that, in light of the guidance having only just been received, it would be more appropriate to assess the likely impact and whether the benefits would outweigh the

potential resource implications before taking a decision. The Committee therefore requested that this matter be deferred to a future meeting for further consideration.

It was then:

RESOLVED

That a decision on the amendment be deferred to a future Licensing Committee meeting.

7. **Adoption of procedures and fees in relation to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**

L.7/18

Members were presented with a paper that advised them that the Government had recently adopted the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The primary purpose of these Regulations had been to amalgamate (and replace) a number of pieces of legislation that governed the licensing of animals.

In discussion, reference was made to:-

- (a) the budgetary impact on the Council. Since the fee charged would be dependent upon the length of the licence, officers advised that it was impossible at this time to determine the budgetary impact of these Regulations. With regard to determining the length of a licence, it was noted that this would be based upon factors including: previous history and a risk assessment having been undertaken;
- (b) reviewing the fees. Members were assured that, in the event of the proposed fees proving to be inappropriate, then they could be reviewed (in the first instance) by the Committee.

It was then:

RESOLVED

That Council be **RECOMMENDED** to:-

- 1. adopt the Discretionary Powers contained within the Animal Welfare Act 2006 and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018;
- 2. amend the Scheme of Delegation whereby decisions relating to the determination of licences and enforcement action be delegated to the Community Of Practice Lead for Environmental Health and Housing;

3. amend the Constitution to reflect a new Sub-Committee structure to consider objections to conditions on an Animal Licence; and
4. adopt the proposed fees and charges (as outlined in the presented agenda report).

8. **Agreement to consult on the advertising and adoption of a new taxi rank at Clifton Place, Salcombe.**

L.8/18

The Committee considered a report that advised that, in July 2018, the Devon County Council Highways Traffic Orders Committee had determined to adopt a new Traffic Regulation Order creating a 'no waiting except for Taxis' bay on Clifton Place, Salcombe.

In discussion, some concerns were expressed over the potential noise nuisance arising from a Taxi Rank being located adjacent to residential properties. As a result, the Committee asked officers to undertake a consultation exercise and to:

- place an advert in the local newspaper;
- write to each of the local residents who lived on Clifton Place; and
- inform local Ward Members.

Upon the conclusion of this consultation exercise, the Committee also requested that they receive a report on the outcome at its next meeting on 1 November 2018 before making a final decision.

It was then:

RESOLVED

That a consultation exercise be undertaken on a proposal to adopt a new Traffic Regulation Order to create a 'no waiting except for Taxis' bay on Clifton Place, Salcombe, with the outcome being reported back to the next Committee meeting on 1 November 2018.

The Meeting concluded at 3.25 pm

Signed by:

Chairman
