

# South Hams Licensing Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 30th June, 2021</b>										
<b>Time:</b>	<b>10.00 am</b>										
<b>Venue:</b>	<b>Repton Room - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Brown <b>Vice Chairman</b> Cllr Rowe</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Foss</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Holway</td> <td>Cllr Smerdon</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Thomas</td> </tr> <tr> <td>Cllr Pannell</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Foss	Cllr Pringle	Cllr Hodgson	Cllr Reeve	Cllr Holway	Cllr Smerdon	Cllr Kemp	Cllr Thomas	Cllr Pannell	Cllr Taylor
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Cllr Kemp	Cllr Thomas										
Cllr Pannell	Cllr Taylor										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Democratic.Services@swdevon.gov.uk										

**1. Apologies for absence**

**2. Minutes of last meeting**

**1 - 4**

**3. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

**4. Declarations of interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests; they may have in any items to be considered at this meeting;

**5. Consideration of whether a driver remains a 'fit and proper' person to hold a Hackney Carriage and Private Hire Driver Licence.**

**5 - 38**

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD  
REMOTELY VIA SKYPE ON THURSDAY 5 NOVEMBER 2020**

**MEMBERS**

\* Cllr D Brown - Chairman

\* Cllr T R Holway - Vice-Chairman

∅ Cllr R Foss

\* Cllr J M Hodgson

\* Cllr K Kemp

∅ Cllr D W May

\* Cllr G Pannell

\* Cllr K Pringle

\* Cllr H Reeve

\* Cllr R Rowe

∅ Cllr P C Smerdon

∅ Cllr D Thomas

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

Licensing Specialist; Deputy Monitoring Officer; and Democratic Services Manager

L.01/20 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 30 January 2020 and the Licensing Sub-Committee held on 12 August 2020 were both confirmed as a true and correct record.

L.02/20 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting and these were recorded as follows:

Cllr G Pannell declared a personal interest in agenda item 5: '*Review of Statement of Licensing Policy for 2021-2026*' (Minute L.03/20 below refers) by virtue of his wife being a licensee for a local Village Hall and remained in the meeting and took part in the debate and vote thereon.

L.03/20 **REVIEW OF STATEMENT OF LICENSING POLICY FOR 2021 – 2026**

Consideration was given to a report that sought to recommend to the Council that the draft Licensing Policy be adopted.

In discussion, reference was made to:-

- (a) some minor grammatical errors. It was agreed that a Member who had noticed some minor grammatical errors within the draft Policy would liaise with the report author and ensure that these were included prior to it being presented to Council for adoption;

- (b) the representations received during the public consultation exercise. On behalf of the Committee, the Chairman thanked those members of the public and local stakeholders who had taken the time to make representations during the public consultation exercise. In particular, the Committee hoped that a satisfactory resolution could be reached to the response received from the representative of Totnes Cinema;
- (c) the robustness of the draft Policy. The Committee wished to put on record its thanks to the lead officer for her work in producing the draft Policy. In addition, a Member advised that she had attended a recent Licensing training event and felt that the draft Policy was a robust document that would help both Members and officers.

It was then:

**RESOLVED**

That the Committee:

1. has considered the draft Licensing Policy (as detailed at Appendix A of the presented agenda report) and responses received during the public consultation exercise; and
2. **RECOMMEND** to Council that the draft Licensing Policy (as detailed at Appendix A of the presented agenda report) be adopted for the period from 7 January 2021 to 6 January 2026, subject to inclusion of the minor grammatical amendments (as set out at discussion point (a) above).

L.04/20

**SUMMARY OF NEW / VARIATION APPLICATIONS RECEIVED FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES BETWEEN 1 OCTOBER 2019 TO 30 SEPTEMBER 2020**

Members were presented with a paper that provided them with a summary of the licences that had been issued between 1 October 2019 and 30 September 2020.

It was then:

**RESOLVED**

That the summary of licences issued between 1 October 2019 and 30 September 2020 be noted.

(Meeting commenced at 10.05am and concluded at 10.30am).

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Chairman



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<b>Penalty Points System – Drivers and Proprietors</b>
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Offence/Cause	Penalty/Points	Person Responsible	Period to Stay on File
1. Failure to wear or clearly display HC/PH driver licence	3	Driver	12 months
2. Failure to display HC/PH vehicle licence (plate) correctly	3	Driver	12 months
3. Failure to produce Insurance Certificate within 5 working days on request	3	Driver/Proprietor	12 months
4. Failure to produce Certificate of Compliance within 5 working days on request	3	Driver/Proprietor	12 months
5. Failure to produce DVLA Driving Licence within 5 working days on request	3	Driver	12 months
6. Failure to notify the Licensing Authority of a change of address within 5 working days	3	Driver/Proprietor	12 months
7. Failure to notify the Licensing Authority of damage to vehicle within 2 working days.	3	Driver/Proprietor	12 months
8. Failure to notify the Licensing Authority of vehicle involved in a Road Traffic Accident within 2 working days.	3	Driver/Proprietor	12 months
9. Failure to notify the Licensing Authority of a change of use of a motor vehicle within 5 working days	3	Proprietor	12 months
10. Failure to notify the Licensing Authority of a transfer or purchase of vehicle within 5 working days	3	Proprietor	12 months
11. Upholstery and/or exterior in an unreasonable condition	3	Driver	12 months
12. Failure to display no smoking stickers	3	Driver	12 months
13. Smoking or 'vaping' inside the Hackney Carriage or Private Hire vehicle	3	Driver	12 months
14. Defective Tyres	3 points per defective tyre and or stop notice	Driver	12 months
15. Private Hire Vehicle parking in or at a Hackney Carriage stand	3	Driver	12 months

16. Hackney Carriage Vehicle leaving vehicle unattended in or at a Hackney Carriage stand	3	Driver	12 months
17. Charging more than displayed on the taxi meter (if fitted)	3	Driver	12 months
18. Failure to obey an Officers request	3	Driver/Proprietor	12 months
19. Not displaying Tariff on Meter (where applicable)	6	Driver	12 months
20. Refusal to carry guide dogs, hearing dogs or service dogs (unless exempt)	6	Driver	12 months
21. Making a surcharge for the carriage of wheelchairs	6	Driver	12 months
22. No valid Insurance Certificate	6 and or referral to Licensing Committee	Driver/Proprietor	36 months
23. No valid Certificate of Compliance (Enhanced MOT)	6 and or referral to Licensing Committee	Driver/Proprietor	36 months
24. Failure to notify the Licensing Authority of a motoring conviction within 5 working days	6 and or referral to Licensing Committee	Driver	18 months
25. Failure to notify the Licensing Authority of a criminal conviction or caution within 5 working days	6 and or referral to Licensing Committee	Driver/Proprietor	18 months
26. Carrying excess passengers	6 and or referral to Licensing Committee	Driver	18 months
27. Being aggressive, and or, using threatening and abusive language towards Licensing Officers	6 and or referral to Licensing Committee	Driver/Proprietor	18 months
28. Any other reasonable cause Section 60 Local Government Miscellaneous Provisions Act 1976	6 and or referral to Licensing Committee	Driver/Proprietor	12 months
29. Failure to attend a Licensing Committee when requested to do so	1 – 6 for Licensing Committee to determine	Driver/Proprietor	12 months
30. Appearance before a Licensing Committee reference allegations of misconduct	1 – 12 for Licensing Committee to determine	Driver/Proprietor	12 months