

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD IN THE REPTON ROOM, FOLLATON HOUSE, TOTNES ON WEDNESDAY, 30 JUNE 2021

MEMBERS

* Cllr D Brown - Chairman

* Cllr R Rowe - Vice-Chairman

∅ Cllr R Foss

* Cllr J M Hodgson

∅ Cllr T R Holway

∅ Cllr K Kemp

* Cllr G Pannell

* Cllr K Pringle

∅ Cllr H Reeve

* Cllr P C Smerdon

* Cllr B Taylor

∅ Cllr D Thomas

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

Licensing Specialist; Deputy Monitoring Officer; and Democratic Services Manager

L.01/21 MINUTES

The minutes of the meeting of the Licensing Committee held on 5 November 2020 were confirmed as a true and correct record.

L.02/21 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:

Having sought the advice of the Deputy Monitoring Officer, Cllr P C Smerdon declared a personal interest in agenda item 5: '*Consideration of whether a driver remains a fit and proper person to hold a Hackney Carriage and Private Hire Driver Licence*' (Minute L.04/21 below refers) by virtue of his use of a local business that was referred to in the exempt agenda report and remained in the meeting and took part in the debate and vote thereon.

L.03/21 EXCLUSION OF 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 as the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act is involved.

L.04/21 **CONSIDERATION OF WHETHER A DRIVER REMAINS A 'FIT AND PROPER' PERSON TO HOLD A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

Consideration was given to an exempt report that sought a decision as to whether an individual remained a 'fit and proper' person to hold a hackney carriage and private hire driver licence with South Hams District Council.

Following the report being introduced by the Licensing Specialist, the Chairman invited the licensed driver and his colleague to provide a detailed account of why they considered that the licensed driver remained a 'fit and proper' person.

Upon the conclusion of their representations, Members were invited to ask them questions of clarity.

Once all parties in attendance were content that they had no further questions or issues to raise, the Committee then adjourned (at 11.10am) in the presence of the Deputy Monitoring Officer to consider the matter.

The meeting was subsequently reconvened at 11.30am and the Chairman proceeded to read out the Committee decision as follows:

The Decision

'Members of the Licensing Committee have considered very carefully the facts surrounding the allegations and subsequent investigation by the Police.

- *We have read the Licensing Specialist's report, which you have had sight of;*
- *We have read the information provided by the Police;*
- *We have read any additional documents provided by the licence holder ahead of this meeting;*
- *We have also listened very carefully to what you have told us today and to your representative;*
- *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 remain a 'fit and proper' person to hold a joint Private Hire and Hackney Carriage drivers licence / vehicle licence.*

The Committee has decided to take no further action. This decision is based on:

- *The Committee recognises that there has been a dispute and breakdown of relationship between the licensed driver and the complainants;*
- *The licensed driver recognises that the actions on social media were inappropriate and have ceased;*
- *The CCTV evidence is not conclusive that the licensed driver was responsible for the damage and the Committee do not consider it reasonable to give it any weight;*
- *The Committee is satisfied that the licensed driver remains a 'fit and proper' person to hold a licence.'*

(Meeting commenced at 10.10 am and concluded at 11.35 am)

Chairman