

## **LICENSING SUB-COMMITTEE**

Friday 31 August 2018

### Present:

Councillors Hannan, Holland and Newby

### Also Present:

Solicitor, Senior Licensing Officer, Principal Licensing Officer, Apprentice Solicitor and Democratic Services Officer

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### **APPOINTMENT OF CHAIR**

Councillor Holland was appointed as Chair for this meeting.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

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### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

### **TOWN POLICE CLAUSES ACT 1847**

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### **HEARING TO DETERMINE WHETHER A HOLDER OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO HOLD A THE LICENCE**

The Chair introduced the Licensing Sub Committee Members and Officers.

The driver had been referred to the Licensing Sub Committee to determine if he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor set out the procedure for the hearing and explained Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that a driver is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor stated that evidential burden is not on the Licensed Driver to prove fitness and propriety but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Licensed Driver is no longer a fit and proper person. Every case before the Licensing Sub-Committee is heard on its individual merits and its paramount concern is the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect of the driver following receipt of a complaint made by the Devon County Council Civil Enforcement Officer Team Leader on 26<sup>th</sup> June 2018. Officers from Devon

County Council gave evidence in support of the complaint.

The driver was in attendance and spoke on behalf of their fitness and propriety and answered questions from the Licensing Sub-Committee and the Solicitor.

**RESOLVED** that the Licensing Sub-committee was not satisfied that the Licensed Driver was a fit and proper person to hold a taxi driver's licence but that the licence would remain in place subject to a period of suspension to deter any future misconduct.

50            **HEARING TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO HOLD A THE LICENCE**

The Chair introduced the Licensing Sub Committee Members and Officers.

The applicant had been referred to the Licensing Sub Committee to determine if he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor set out the procedure for the hearing and explained Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that a driver is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor stated that evidential burden is on the applicant to prove fitness and propriety on the balance of probabilities. Every case before the Licensing Sub-Committee is heard on its individual merits and its paramount concern is the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect of the applicant.

The applicant was in attendance and spoke on behalf of their fitness and propriety and answered questions from the Licensing Sub-Committee and the Solicitor.

**RESOLVED** that the Licensing Sub-committee was satisfied that the Applicant was a fit and proper person to hold a taxi driver's licence.

51            **HEARING TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO HOLD A THE LICENCE**

**RESOLVED** that the hearing be deferred for the individual to obtain the necessary paperwork.

52            **HEARING TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO HOLD A THE LICENCE**

**RESOLVED** that the hearing be deferred until the next available date.

53            **HEARING TO DETERMINE WHETHER A HOLDER OF A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO HOLD A THE LICENCE**

The Chair introduced the Licensing Sub Committee Members and Officers.

The driver had been referred to the Licensing Sub Committee to determine if he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor set out the procedure for the hearing and explained Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that a driver is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor stated that evidential burden was not on the Licensed Driver to prove fitness and propriety but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Licensed Driver is no longer a fit and proper person. Every case before the Licensing Sub-Committee is heard on its individual merits and its paramount concern is the safety of the travelling public.

The Senior Licensing Officer presented the report and gave evidence in respect of the driver.

The driver was in attendance and spoke on behalf of their fitness and propriety and answered questions from the Licensing Sub-Committee and the Solicitor.

**RESOLVED** that the Licensing Sub-committee was satisfied that the Licensed Driver was a fit and proper person to hold a taxi drivers licence and the licence should remain in place but a written warning would be issued by the Chair of the Licensing Sub Committee with regard to future conduct.

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**HEARING TO DETERMINE WHETHER A HOLDER OF A PRIVATE HIRE OPERATORS LICENCE WAS A FIT AND PROPER PERSON TO HOLD A THE LICENCE**

The Chair introduced the Licensing Sub Committee Members and Officers.

The driver had been referred to the Licensing Sub Committee to determine if he was a fit and proper person to continue to hold a Private Hire Operators Licence.

The Solicitor set out the procedure for the hearing and explained Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that a driver is a fit and proper person to hold a Private Hire Operator's Licence.

The Solicitor stated that evidential burden was not on the operator to prove fitness and propriety but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the operator was no longer a fit and proper person. Every case before the Licensing Sub-Committee is heard on its individual merits and its paramount concern is the safety of the travelling public.

The Senior Licensing Officer presented the report and gave evidence in respect of the driver.

The operator was in attendance and spoke on behalf of their fitness and propriety and answered questions from the Licensing Sub-Committee and the Solicitor.

**RESOLVED** that the hearing be adjourned until 24<sup>th</sup> September 2018, for the individual to provide the operators records for the duration of the licence to date by

11am on Monday 3 September 2018.

(The meeting commenced at 10.30 am and closed at 4.50 pm)

Chair