

GENERAL LICENSING COMMITTEE
8 APRIL 2014

PRESENT – Councillors Nutt (in the Chair); Councillors CLB Hughes, Lawton, Newall, Stenson, Thistlethwaite, L. Vasey and J. Vasey. (8)

APOLOGIES – Councillors L. Haszeldine, B. Jones, D. Jones, Lee and J. Lyonette. (5)

L54. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

L55. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Licensing Committee held on 11 March, 2014.

RESOLVED – That the Minutes be approved.

L56. EXCLUSION OF THE PUBLIC – RESOLVED – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part I of Schedule 12A to the Act.

L57. APPLICATIONS FOR AND REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES – The Director of Place submitted a report (previously circulated) inviting Members to consider reviews of Hackney Carriage and Private Hire Driver Licences in the light of motoring offences and/or complaints about conduct.

(1) Ref. No. 08/14 An application for a Hackney Carriage and a Private Hire Driver Licence in respect of a conviction for Attempt/Obtain property by deception and Possess Class A drug (1.8g cocaine) with intent to supply Possess Class C drug (310mg diazepam).

The Applicant attended the meeting and responded to Members' questions in relation to the convictions and as to why he felt that he was a fit and proper person to hold a Hackney Carriage Driver Licence.

The representative from Durham Constabulary also advised Members of the committee of a Caution for possession of an offensive weapon in 2006 which the driver had failed to declare both on the application form and also when interviewed by a Licensing Enforcement Officer about their criminal record.

In reaching their decision, Members took into consideration all the convictions, including the caution for possession of an offensive weapon and decided that they had all been committed a number of years ago when the driver was young and that the driver had held a steady job for seven years and the Committee believed the explanations in respect of these convictions/caution.

RESOLVED – That the application for a Hackney Carriage and a Private Hire Driver Licence be granted

(2) Ref. No. 09/14 An application to review a Hackney Carriage Driver Licence in respect of cautions for Common Assault and Use of Threatening words or behaviour and a speeding conviction.

The Driver attended the meeting and responded to Members' questions in relation to the two cautions and as to why he felt that he was a fit and proper person to hold a Hackney Carriage Driver Licence. The Driver was also questioned on why he had neglected to report his cautions to the Licensing Section at the time of receiving the caution and they had only come to light at the time of his three yearly production of his criminal record check.

In reaching their decision, Members accepted the drivers explanation in respect of the assault and the use of threatening words and behaviour however were extremely concerned at the repeated offending and deliberate misleading of the Council which they considered to be very serious.

RESOLVED – That the driver be issued with a final warning letter reminding the driver that any further convictions, cautions, warnings or reprimands of any kind or any further failure to report offences would result in the immediate return to the Licensing Committee for a further review of the Licence and it was unlikely that he would be permitted to retain his licence.

(3) Ref 10/14 An application to review a Private Hire Driver Licence in respect of a complaint received against the driver.

The Driver attended the meeting and responded to Members' questions in relation to the complaint and as to why he felt that he was a fit and proper person to hold a Private Hire Driver Licence.

In reaching their decision, Members considered the complaint but were unable to decide which version of the incident was the truth without being able to ask the complainant for clarification and therefore accepted that the driver had given a believable version of events. They also believed that the complainant could have taken other courses of action such as contacting the Police and accepted the drivers version of events that the complainant had given £5 for a £4 fare and advised the driver to keep the £1 and therefore based on the balance of probabilities agreed to take no further action.

RESOLVED – That no further action be taken in regard to this matter.

Note: Councillor Stenson left the meeting and was not present for consideration of (3) above.

Date _____

Signature _____