

GENERAL LICENSING COMMITTEE

22ND JULY 2014

PRESENT – Councillors L. Haszeldine, C. Hughes, B. Jones, D. Jones, Lawton, Stenson, Thistlethwaite and J. Vasey. (8)

APOLOGIES – The Mayor (Councillor Lee); Councillors J. Lyonette, Newall, Nutt and L. Vasey. (5)

OFFICERS – Pam Ross, Licensing Manager, Julie Richings, Principal Licensing Officer, Odette Robson, Local Safeguarding Children's Board Manager, Mandy McAlister, Darlington and Durham Police and Victoria Dixon, Solicitor.

L6. APPOINTMENT OF CHAIR FOR MEETING ONLY – RESOLVED – That, in the absence of the Chair and Vice-Chair, Councillor Thistlethwaite be appointed as Chair for this meeting only.

L7. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

L8. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 24th June, 2014.

RESOLVED – That the Minutes be approved as a correct record.

L9. OUTCOME OF LEGAL PROCEEDINGS – 1ST NOVEMBER, 2012 TO 31ST MARCH, 2014 – The Director of Economic Growth submitted a report (previously circulated) advising Members of the outcome of recent Court proceedings in relation to licensing matters.

The submitted report gave details of proceedings taken against individuals in relation to various licensing offences and of appeals taken against the decision of this Committee. The Licensing Manager clarified, at the meeting, the offences in relation to Derek Taylor.

RESOLVED – That the report be noted.

L10. 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.

L11. APPLICATIONS FOR AND REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES – The Director of Economic Growth 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. 12/14 - An application to confirm the suspension of a Private Hire Driver Licence following information which had recently come to light in relation to an allegation against the licence holder which was currently being investigated by the Police.

It was reported that the driver had not been interviewed about the alleged incident as it might jeopardise any future police investigation and had been advised, by Officers, not to attend the hearing today.

RESOLVED – That the suspension of the Private Hire Driver Licence be confirmed and that a further report be brought to this Committee, once the Police investigation in the alleged incident has concluded.

(2) Ref. No. 13/14 - An application to review a Private Hire Driver Licence following a conviction for Possession of a Class A Drug (Cocaine).

The driver attended the meeting and responded to Members' questions in relation to the conviction and as to why he felt that he was a fit and proper person to hold a Private Hire Driver Licence. As the offence had only come to light through the Durham Constabulary Notifiable Occupations Scheme, the Driver was also questioned as to why he had neglected to report his conviction to the Licensing Section at the time of receipt as required by the conditions of his Licence.

In reaching their decision, Members heard the driver's explanation in respect of the recent conviction for possession, however were extremely concerned at the repeated offending, three of which related to possession of a Class A Drug (2006, 2010 and 2014); the failure to notify the Licensing Section of the conviction as required by the condition on his Licence and the Council's Licensing Policy which stated that, in respect of drug offences, there should be a period of three years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning.

Members also took into consideration a character reference from the driver's employer.

RESOLVED – That, taking into account, the recent conviction for the possession of a Class A Drug, and the previous two cautions for the same offence in 2006 and 2010, the failure to take notice of a previous warning and a final warning issued to the driver by this Committee; the Council's Licensing Policy which makes it clear that anyone convicted of or cautioned for drug offence should have a period of at least three years from conviction or caution before a licence is considered and that where the Council takes actions short of revocation, then more than one conviction would normally lead to the licence being revoked, the Committee is not satisfied that the licence holder is a fit and proper person to hold a drivers Licence and that the Licence be revoked under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

(3) Ref 14/14 - An application to review a Private Hire Driver Licence following a complaint received against the driver by a member of the public.

The driver and the complainant attended the meeting and Members' heard both accounts in relation to the alleged incident which related to the use of a camera to take photographs of the complainant's children and the use of bad language towards other road users in the presence of his children. Members questioned both parties thereon and further questioned the driver 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; the statements provided by both parties; their individual accounts in relation to the alleged incident and the lack of evidence in relation to the complaint.

RESOLVED – That, taking into account the information heard, the Committee is satisfied that, on the balance of probabilities, an incident had taken place in the vehicle, however, it does not feel that there was any malicious intent on the part of the driver and, in view of the lack of evidence, the Licence be retained, however, the driver be advised that the taking of photographs and the use of bad language will not be tolerated and be issued with a warning letter in respect of these matters and warned that if any further convictions, cautions, warnings, complaints or reprimands are received, they would be reported to this Committee