

GENERAL LICENSING COMMITTEE

19TH AUGUST 2014

PRESENT – Councillor Nutt (in the Chair); Councillors B. Jones, the Mayor Councillor Lee), J. Lyonette, Stenson, Thistlethwaite, J. Vasey and L. Vasey. (8)

APOLOGIES – Councillors L. Haszeldine, C.L.B. Hughes, D. Jones, Lawton and Newall. (5)

OFFICERS – Pam Ross, Licensing Manager, Julie Richings, Principal Licensing Officer, Mandy McAlister and Sergeant. L. Dickinson, Darlington and Durham Police, Catherine Parker, Public Health, Amy Wennington, Lawyer and Allison Hill, Democratic Officer.

L12. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

L13. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 22nd July, 2014.

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

L14. 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.

L15. 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 an application for a hackney carriage Driver licence, an application for a private hire driver licence and to confirm a suspension of a private hire driver licence in the light of convictions, motoring offences and/or complaints about conduct.

(1) Ref. No. 15/14 - An application for a Hackney Carriage Driver Licence in respect of three motoring convictions for excess speed.

The Driver 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.

In reaching their decision, Members heard the Driver's explanation to the recent disqualification for speeding and took into account the Council's Policy in respect of Offences Relating to Speeding and that the Council deems speeding to be extremely serious and the Council's policy states there should be a period of at least three years following the most recent conviction for a major offence before a licence is considered; took into consideration that the applicant admitted to driving a

motorcycle at a speed of 120 mph in a 60 mph zone which resulted in a 90 day disqualification from driving; and with this in mind Members were not persuaded to depart from the Council's policy.

RESOLVED – That the application be refused as the Committee did not consider the applicant to be a fit and proper person to hold a Hackney Carriage Driver Licence.

(2) Ref. No. 16/14 - An application for a Private Hire Driver Licence in respect of numerous convictions and a disqualification from driving as a result of some of the offences totalling at least 12 years in a 13 year period.

The Driver, accompanied by his friend and neighbour, 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 Private Hire Driver Licence. The Driver also presented written character references and his friend/neighbour spoke to the Members as a character witness for the Driver.

In reaching their decision, Members took into consideration the numerous convictions however decided that there was, on this occasion, exceptional reasons for them to depart from the Council's policy not to normally grant a licence when there is more than one driving with excess alcohol conviction because the last excess alcohol conviction was in 2005 and the last convictions were in 2008. In addition Members noted that the character references were exceptional and that the applicant had shown remorse and carried a breathalyser in his car. The Members were concerned at the numerous offences committed over a period of 25 years and therefore required a first and final warning be given with regard to the applicants conduct and advised that any further offences or incidents of any kind, will result in his immediate return to Committee for a further review of his licence and it would then be extremely likely that his licence would then be revoked.

RESOLVED – That the application for a Private Hire Driver Licence be granted.

(3) Ref 17/14 - An application to review a Private Hire Driver Licence to confirm a suspension made on 30 July 2014 pending further medical information.

The Driver attended the meeting and responded to Members' questions in relation to his medical history and the heart attack he suffered on 4 July 2014 which prompted his suspension and it was confirmed that the further information requested from Darlington Memorial Hospital on 30 July 2014 had not yet been received.

In reaching their decision Members considered that DVLA medical requirements for Group II standard state that all acute coronary syndromes will disqualify the licence holder from driving for at least 6 weeks. Relicensing may be permitted thereafter provided that the exercise or other functional test requirements can be met and there is no other disqualifying condition

RESOLVED – That the suspension, made in accordance with the provisions of Section 52 of the Road Safety Act 2006 on the grounds of public safety be confirmed pending :-

(i) Information from Darlington Memorial hospital concerning any blood or toxicology tests undertaken following the disclosure to them that the driver had taken cocaine prior to his heart attack.

(ii) Medical evidence of fitness to Group II standards from the driver's general practitioner. This will include confirmation that he has met the exercise and/or other functional tests requirements and that there is no other disqualifying condition.

(NOTE - the Mayor (Councillor Lee) left the meeting and took no part in consideration of Item (3), Ref 17/14))