

GENERAL LICENSING COMMITTEE

16TH SEPTEMBER 2014

PRESENT – Councillor Nutt (in the Chair); Councillors C. Hughes, B. Jones, Lawton, the Mayor (Councillor Lee), Newall, Stenson, J. Vasey and L. Vasey. (9)

APOLOGIES – Councillors L. Haszeldine, D. Jones, J. Lyonette and Thistlethwaite. (4)

OFFICERS – Pam Ross, Licensing Manager, Julie Richings, Principal Licensing Officer; Mandy McAlister, Sergeant. C. Dickenson and Inspector C. Dobson, Darlington and Durham Police; Catherine Parker, Public Health; Odette Robson, Safeguarding Children Board Manager; Heidi Gibson, Workforce Development Officer; Amy Wennington, Lawyer and Allison Hill, Democratic Officer.

L16. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

L17. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 19th August, 2014.

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

L18. CRIME STATISTICS – Inspector Colin Dobson, Durham Constabulary gave two presentations to Members on the Alcohol Harm Reduction Unit and New Psychoactive Substances (NPS) ‘Legal Highs’.

The first presentation outlined the work of the Alcohol Harm Reduction Unit and the work of the unit in relation to alcohol harm, licensing and crime and also provided incident data and crime data for Darlington; alcohol related costs for Darlington and future challenges.

The second presentation to Members related to the emerging trend of New Psychoactive Substances (NPS) also known as ‘legal highs’ which are designed to mimic the effect of controlled drugs. Inspector Dobson gave details of the background to NPS; the law relating to the drugs; how they can be accessed; the local and national picture; enforcement legislation and challenges in relation to NPS.

Members suggested that the presentation in relation to NPS be included in the Members Training Programme to raise awareness to all Members of the new trend towards NPS and the associated health risks.

RESOLVED – (a) That the thanks of the Committee be extended to Inspector Colin Dobson for his presentations.

(b) That the presentation in respect of New Psychoactive Substances (NPS) be included in the Members Training Programme.

L19. ALCOHOL REVIEW GROUP – Submitted – The Minutes of the Alcohol Review Group meeting held on 7th July, 2014.

RESOLVED – That the Minutes of the Review Group be noted.

L20. 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.

L21. 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 three Hackney Carriage Driver Licences in the light of recent convictions.

(1) Ref. No. 18/14 - A review of a Hackney Carriage Driver Licence in respect of a recent conviction for a licensing offence.

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 took into consideration that this was the driver's first offence since his licence was granted and they accepted the driver's reasons for forgetting to engage the meter.

RESOLVED – That the Licence be retained and the driver be issued with a warning letter in respect of this matter and warned that if any further convictions, cautions, warnings, complaints or reprimands are received they would be referred immediately to the Licensing Committee.

(2) Ref. No. 19/14 – A review of a Hackney Carriage Driver Licence in respect of a recent conviction for a licensing offence.

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 took into consideration that this was the first time that the driver had appeared before them since his licence was granted and they accepted the driver's reasons for forgetting to engage the meter, namely that he was that he was distracted by an upset passenger.

RESOLVED – That the Licence be retained and the driver be issued with a warning letter in respect of this matter and warned that if any further convictions, cautions,

warnings, complaints or reprimands are received they would be referred immediately to the Licensing Committee.

(3) Ref. No. 17/14 – Pursuant to Minute L15(3)/Aug/14 and with the prior approval of the Chair to the matter being treated as urgent to enable a decision to be made at the earliest possible time, a review of a Hackney Carriage and Private Hire Driver Licence following receipt of medical evidence.

The representative from Durham Constabulary advised Members of some police intelligence relating to the driver being found in possession of drugs in 2012.

The representative from the Local Safeguarding Children's Board reminded Members on the importance of information received from General Practitioners and also to consider carefully the drivers school transport contract with regard to the safeguarding of children.

The Driver, accompanied by his employer, attended the meeting and responded to Members' questions in relation to his medical history and the heart attack he suffered on 27 June, 2014 which prompted his subsequent suspension; the information provided from the Police in relation to the incident whilst travelling to Amsterdam and to his usage of controlled drugs.

In reaching their decision Members took into consideration the information contained in the submitted report, the information from the representatives from the Police and the Local Safeguarding Children's Board and representation from the driver himself and concluded that the driver could no longer satisfy this Council that he was a fit and proper person to hold his Hackney Carriage and Private Hire Driver Licences because when he was granted his private hire driver licence in 2009 he was issued with a first and final warning that any offences of any kind would result in his immediate return to Committee for review of his licence and advised that it would be then unlikely he would be permitted to retain his licence; on the balance of probabilities Members believed that the driver did take cocaine prior to his heart attack and that he did advise the Hospital he was a recreational user of cocaine; and on the balance of probabilities the Members accepted the Police version of the events on the DFDS ferry in 2012 that it was both the driver and his partner that were found to be in possession of drugs and that these were duly confiscated.

RESOLVED – (a) That the Hackney Carriage and Private Hire Driver Licences be revoked under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

(b) That in accordance with Section 52 of the Road Safety Act 2006 this revocation will take effect immediately in the interests of public safety.

(NOTE – Councillor Stenson left the meeting before discussion of (3) Ref 17/14 above and took no part in the decision thereon).