

GENERAL LICENSING COMMITTEE

10 FEBRUARY 2015

PRESENT – Councillor Nutt (in the Chair); Councillors L. Haszeldine, C.L.B. Hughes, B. Jones, D. Jones, Lawton, Stenson, Thistlethwaite, L. Vasey and J. Vasey. (10)

APOLOGIES – The Mayor (Councillor Lee) and Councillor Newall. (2)

OFFICERS – Julie Richings, Principal Licensing Officer; Helen Sefton, Licensing Officer; Amy Wennington, Lawyer; PCSO M McAllister; Sergeant C. Dickenson and Allison Hill, Democratic Officer.

L32. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

L33. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 9 December, 2014.

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

L34. SUPPLEMENTARY ITEM – LICENSING POLICY - The Chair advised Members of the Committee that the following the publication of the Rotherham Report and the link that was shown within the report between taxis and child exploitation, he had recently met with the Chief Executive, Licensing Officers, the Lawyer for licensing matters and the Local Safeguarding Children’s Board Business Manager to discuss the Council’s Licensing Policy and potential policy amendments to review and strengthen the existing policy.

L35. 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.

L36. PRIVATE HIRE DRIVER LICENCE APPLICATION – The Director of Economic Growth submitted a report (previously circulated) inviting Members to consider an application for a Private Hire Driver Licence in light of convictions and cautions.

(1) Ref. No. 01/15 – An application for a Private Hire Driver Licence in respect of offences for a minor road traffic offence, no insurance and taking without owners consent; common assault and posses offensive weapon; assault police; resist or obstruct contable; make false representation; battery; fail to comply with traffic light signal; and possession control drug - heroin.

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

In reaching their decision, Members took into consideration the Council's Licensing Policy in relation to applicants with incidents of domestic violence and cautions; and in the case of drug related offences it will normally require the applicant to show a period of at least three years free of a conviction, caution, reprimand or final warning before an application is considered, or five years after detoxification treatment if the applicant is an addict. If the conviction, caution, reprimand or final warning relates to the supply of prohibited drugs then it is unlikely that even after this period the application will be granted.

The representative from Durham Constabulary gave further information regarding the convictions/cautions for assault police, battery and possession of controlled drug – heroin and also advised Members of a further incident on 26 December 2011 when the driver was arrested for possession of Class A drug – heroin of which the driver claimed he had no knowledge of.

After careful consideration, the Members did not feel that the driver was a fit and proper person to hold a Private Hire Driver Licence. Members reasons for this were with the regard to the number and type of offences which were disclosed by the Disclosure and Barring Service and Durham Constabulary; the caution and conviction which involved incidents of domestic violence were extremely serious because if an individual is prepared to assault an individual in a domestic or home environment then there would be concerns over that person's ability to control their temper when working in an environment dealing with members of the public; and the Council's Policy, which was last approved by full Council in January 2012 states that an applicant with a conviction, caution, reprimand or final warning for a drug related offence will normally be required to show a period of at least 3 years free of a conviction, caution, reprimand or final warning before an application is considered, or 5 years after detoxification treatment if the applicant is an addict. If the conviction, caution reprimand or final warning relates to the supply of prohibited drugs then it is unlikely that even after this period the application will be granted.

RESOLVED – That the application for a Private Hire Driver Licence be refused as the Committee did not consider the applicant to be a fit and proper person.