

GENERAL LICENSING SUB COMMITTEE

25 OCTOBER 2016

PRESENT – Councillors L. Haszeldine, Kane, Lawton, Lee and Nutt. (5)

OFFICERS – Julie Richings, Principal Licensing Officer; Brian Murray, Licensing Officer; Amy Wennington, Lawyer; and Allison Hill, Democratic Officer.

ALSO IN ATTENDANCE – PCSO M. McAllister, Durham Constabulary.

LGS13. ELECTION OF CHAIR – RESOLVED – That Councillor Nutt be elected Chair for the purpose of this meeting.

LGS14. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LGS15. 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.

LGS16. REVIEW OF HACKNEY CARRIAGE DRIVER LICENCE REF NO 13/16 – The Director of Economic Growth submitted a report (previously circulated) to give consideration to a review of a Hackney Carriage Driver Licence in light of recent convictions for no MOT and plying for hire without a licence.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision, Members took into consideration the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 which permits a Local Authority to suspend, revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle on the grounds that a driver has been convicted of an offence involving dishonesty, indecency or violence; or been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or any other reasonable cause; Section 61(1) of the same Act, under Section 40 of the Act of 1847 or Section 48 of this Act in relation to refusal to renew a vehicle licence; and the Council's responsibility with regard to safeguarding the public and, in particular, children and vulnerable adults.

After careful consideration the Members decided to permit the driver to retain their licence as this was the first time the driver had appeared before the Committee since their licence was granted, however due to the lack of honesty with the Members and the Licensing Officers agreed to issue a final warning about his conduct.

RESOLVED –That the licence be retained and the driver be issued with a final warning letter in respect of future conduct and warned that if any further convictions, cautions, warnings or reprimands are received they would be referred immediately to the General Licensing Sub-Committee.

LGS17. REVIEW OF HACKNEY CARRIAGE DRIVER LICENCE REF NO. 14/16 –

The Director of Economic Growth submitted a report (previously circulated) to give consideration to a review of a Hackney Carriage Driver Licence in light of a recent conviction for failing to bring the taximeter into action as soon as his hackney carriage had been hired contrary to Section 6(b) of the Councils Byelaws with respect to Hackney Carriages 1990.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Hackney Carriage Driver Licence. During the meeting it also came to light that the driver had a recent conviction for driving without due care and attention.

In reaching their decision Members took into consideration the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; the Council's Licensing Policy; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 that advises that the Council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle if the driver has been convicted of an offence involving dishonesty, indecency or violence; or been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act, or any other reasonable cause; and the Council's responsibility with regard to safeguarding the public and, in particular, children and vulnerable adults.

After careful consideration Members agreed to permit the driver to retain their licence and issue a final warning in respect of this matter as the driver had previously received two written warnings from Licensing Officers in relation to previous incidents

RESOLVED - That the licence be retained and the driver be issued with a final warning letter in respect of future conduct and warned that if any further convictions, cautions, warnings or reprimands are received they would be referred immediately to the General Licensing Sub Committee.

LGS18. REVIEW OF HACKNEY CARRIAGE DRIVER LICENCE REF NO. 15/16 –

The Director of Economic Growth submitted a report (previously circulated) to give consideration to a review of a Hackney Carriage Driver Licence in light of a recent

conviction for failing to bring the taximeter into action as soon as his hackney carriage had been hired contrary to Section 6(b) of the Council's Byelaws with respect to Hackney Carriages 1990.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision Members took into consideration the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; the Council's Licensing Policy; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 that advises that the Council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle if the driver has been convicted of an offence involving dishonesty, indecency or violence; or been convicted of an offence under or has failed to comply with the provisions of the Act of 2847 or of this Part of this Act, or any other reasonable cause; and the Council's responsibility with regard to safeguarding the public and, in particular, children and vulnerable adults; and Section 50 of the Town Police Clauses Act 1847 in relation to convictions for a second time.

After careful consideration the Members decided to permit the driver to retain their licence, however as this was the driver's second offence for failure to engage taximeter in less than a year, agreed to issue a final warning about their conduct.

RESOLVED - That the licence be retained and the driver be issued with a final warning letter in respect of future conduct and warned that if any further convictions, cautions, warnings or reprimands are received they would be referred immediately to the General Licensing Sub Committee.

LGS19. REVIEW OF HACKNEY CARRIAGE DRIVER LICENCE REF NO. 16/16 – The Director of Economic Growth submitted a report (previously circulated) to give consideration to a review of a Hackney Carriage Driver Licence in light of a recent conviction for leaving his hackney carriage unattended on a rank, contrary to Section 8e of the Hackney Carriage Byelaws 1990.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision Members took into consideration the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; the Council's Licensing Policy; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 that advises that the Council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle if the driver has been convicted of an offence involving dishonesty, indecency or violence; or been convicted of an offence under or has failed to comply with the provisions of the Act of 2847 or of this Part of this Act, or any other reasonable cause; and the Council's

responsibility with regard to safeguarding the public and, in particular, children and vulnerable adults.

After careful consideration Members decided to permit the driver to retain their licence but issue a warning in respect of this matter.

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

LGS20. REVIEW OF HACKNEY CARRIAGE DRIVER LICENCE REF NO. 18/16 –
The Director of Economic Growth submitted a report (previously circulated) to give consideration to a review of a Hackney Carriage Driver Licence in light of failure to successfully undertake the hackney carriage driver knowledge test before 31 May 2016 as requested by Members of this Committee at their meeting on 19 April 2016.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Hackney Carriage Driver Licence.

The Principal Licensing Officer advised the Members that the driver had taken the hackney carriage driver knowledge test on 26 May, 2016 but had failed the test. A further test had been arranged on 30 June 2016 but the driver failed to attend. After questions of the officers and the driver it was established that there had been some confusion over the communication of the second test date to the driver and therefore why it had not been attended.

In reaching their decision Members took into consideration the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; the Council's Licensing Policy; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 that advises that the Council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle if the driver has been convicted of an offence involving dishonesty, indecency or violence; or been convicted of an offence under or has failed to comply with the provisions of the Act of 2847 or of this Part of this Act, or any other reasonable cause; and the Council's responsibility with regard to safeguarding the public and, in particular, children and vulnerable adults.

After careful consideration Members decided to permit the driver to retain their licence and issue a final warning in respect of this matter and again requested the driver to successfully undertake the hackney carriage driver knowledge test at their own expense.

RESOLVED – (a) That the licence be retained and the driver be issued with a final warning letter in respect of future conduct and warned that if any further convictions,

cautions, warnings or reprimands are received they would be referred immediately to the General Licensing Sub-Committee.

(b) That the driver be required to undertake the driver knowledge test once again within six weeks of the hearing (i.e. no later than 6 December 2016).