

GENERAL LICENSING SUB COMMITTEE

14 JUNE 2017

PRESENT – Councillors Kane, Lee, Newall and Nutt. (4)

OFFICERS – Julie Richings, Principal Licensing Officer; Amy Wennington, Lawyer; and Paul Dalton, Elections Officer.

ALSO IN ATTENDANCE – PCSO Mandy McAllister and PCSO Derek Serrit, Durham Constabulary.

LGS1. ELECTION OF CHAIR – RESOLVED – That Councillor Nutt be elected Chair for the purpose of this meeting.

LGS2. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LGS3. 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.

LGS4. APPLICATION FOR GRANT OF A HACKNEY CARRIAGE DRIVER LICENCE (REF NO. 5/17) – The Director of Economic Growth submitted a report (previously circulated) to give consideration to an application for a Hackney Carriage Driver Licence in light of relevant convictions, and a previous refusal by the Licensing Committee to grant the applicant a Hackney Carriage licence in 2011.

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 Licensing Policy, which sets out the Council's stance on the Relevance of Convictions, Cautions and Endorseable Fixed Penalties; and Section 51 (1) (a) of the Local Government (Miscellaneous Provisions) Act 1976 that advises that the Council shall not grant a licence unless they are satisfied that an applicant is a fit and proper person to hold a driver's licence.

After careful consideration Members concluded that the driver was not a fit and proper person to hold a Hackney Carriage Driver Licence on the grounds that he had multiple dishonesty offences on his criminal record, and the Council's Policy states that more than one such offence will ordinarily result in an application being refused; that the Applicant had two convictions for drink driving offences on his criminal record and the Council's Policy states that more than one such offence will ordinarily result in an

application being refused; and Members felt that they heard nothing from the Applicant that persuaded them to depart from the Council's Policy regarding multiple dishonesty offences and multiple drink driving offences.

Members were also concerned that statutory disclosures regarding the Applicant's criminal record that should have been made on his application form were not made, and the Sub-Committee felt that this was deliberately misleading; and that there were two recent incidents that the Sub-Committee were made aware of, namely a speeding offence in 2016 and a Police warning in 2017 regarding not having the appropriate insurance for a vehicle the Applicant was driving, and the Sub-Committee expressed concerns that offences were still being committed by the Applicant despite the Applicant stating that he had stopped offending.

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.