

GENERAL LICENSING SUB COMMITTEE

19 SEPTEMBER 2017

PRESENT – Councillors Donoghue, C. Hughes, Kane, Newall and Nutt. (5)

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

ALSO IN ATTENDANCE – PCSO M McAllister, Durham Constabulary.

LGS9. ELECTION OF CHAIR – RESOLVED – That Councillor Nutt be elected Chair for the purpose of this meeting.

LGS10. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LGS11. 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.

LGS12. APPLICATION FOR GRANT OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE (REF NO. 7/17) – The Director of Economic Growth submitted a report (previously circulated) to give consideration to an application for the grant of a hackney carriage driver and private hire driver licence in the light of a caution for common assault.

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 and Private Hire 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; 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; and the Town Police Clauses Act 1847..

After careful consideration Members agreed to grant the application with a warning letter on the condition that the driver successfully undertakes the Council's knowledge test for dual licence drivers and completes the on line Barnardo's Child Sexual Exploitation Course prior to any licence being granted.

In reaching their decision Members agreed that despite being concerned about the incident, and at the lack of evidence from the police, they trusted it to be an isolated episode and, on the balance of probabilities, believed that there was provocation that led to the incident. The Members stressed that they did not condone violence against children, vulnerable adults or any other persons and therefore required the Licensing Manager to issue you with a warning about your conduct.

Members also urged the driver to notify the Licensing Section and the Police about any further incidents of perceived harassment.

RESOLVED – That the licence be granted, upon completion of the Council's knowledge test and on line Barnardo's Child Sexual Exploitation Course, 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.