

GENERAL LICENSING SUB COMMITTEE

4 AUGUST 2015

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

OFFICERS – Pam Ross, Licensing, Car Parks and Trading Standards Manager; Julie Richings, Principal Licensing Officer; Helen Thompson, Lawyer; Sergeant C. Dickenson and Allison Hill, Democratic Officer.

LGS5. ELECTION OF CHAIR – That Councillor Nutt be elected Chair for the purposes of this meeting.

LGS6. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LGS7. 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.

LGS8. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE APPLICATIONS AND REVIEWS – The Director of Economic Growth submitted a report (previously circulated) inviting Members to give consideration to a deferred application for a Hackney Carriage Driver Licence in light of an offence of dishonesty; to review a Hackney Carriage Driver in the light of a conviction for a licensing offence; to review a Private Hire Driver in the light of a conviction for harassment and the holder of both a hackney carriage and private hire driver licence in the light of a complaint that he had been falling asleep at the wheel of his vehicle.

(1) Ref. No. 09/15 – Pursuant to Minute LGS4(1)/Jul/15, to give further consideration to an application for a Hackney Carriage Driver Licence in respect of an offence for Theft by Employee.

The driver attended the meeting, along with his friend, who was one of the persons who supplied a character reference, 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 Hackney Carriage Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy in relation to applicants with a conviction, caution, reprimand or final warning for such an offence, will normally be refused a licence. In exceptional circumstances an application will be considered on its merits when the applicant can show at least three years free from conviction.

The representative from Durham Constabulary advised the Members that the driver had not made a full admission to the Police at the first opportunity as first stated and that he had initially denied all knowledge of the matter.

After careful consideration the Members did not feel that there were sufficient exceptional circumstances to depart from the Council's Policy to allow a grant of a licence giving consideration to the protection of the public and that the offence of theft by employee was a betrayal of the trust placed on the driver and therefore he could not be deemed to be fit and proper.

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.

(2) Ref. No. 12/15 – To give consideration to a review of a Hackney Carriage Driver Licence in respect of a conviction for failure to engage taximeter.

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 Hackney Carriage Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy which states that the Council will consider it extremely serious when existing holders of licences receive criminal convictions, cautions, reprimands or warnings or receive complaints which result in disciplinary action and that existing holders of licences may expect the Council to consider revoking their licence.

After careful consideration the Members agreed to permit the driver to retain his licence and issue a warning in respect of the matter and accepted that this had been a momentary lapse caused by distraction from the passenger and the worry the driver was suffering due to his wife's illness.

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.

(3) Ref. No. 13/15 – To give consideration to a review of a Private Hire Driver Licence in respect of a conviction for harassment.

The Licensing Manager advised the Committee that the driver was currently suspended and due to appear at court for sentencing on 13 August 2015 and requested that this matter be deferred until the next meeting of the General Licensing Sub-Committee.

RESOLVED – That a decision on this matter be deferred until the next meeting scheduled for 1st September, 2015.

(4) Ref. No. 14/15 – To give consideration to a review of a Hackney Carriage Driver and Private Hire Driver Licence in respect of a complaint made against the driver.

The driver attended the meeting and responded to Members questions in relation to the complaint that he had been falling asleep at the wheel of his car.

The complainant also attended the meeting and gave her account of the journey with the driver.

In reaching their decision, Members took into consideration the Council's Licensing Policy which states that the Council will consider it extremely serious when existing holders of licences receive criminal convictions, cautions, reprimands or warnings or receive complaints which result in disciplinary action and that existing holders of licences may expect the Council to consider revoking their licence.

After careful consideration Members decided to permit the driver to retain his licence with a final warning in respect of the matter as they believed the passenger who attended the Committee and were satisfied that the poor driving described by the passenger had occurred.

The Committee Members also expressed their concern at the route the driver had chosen to take for this journey, particularly as drivers are required to take the shortest available route; and at the number of hours the driver had been working on this particular shift which was in excess of 15 hours.

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 complaints are received they would be referred immediately to the Sub Committee and it was highly unlikely that they would be permitted to retain their Licence.