

GENERAL LICENSING SUB COMMITTEE

22 NOVEMBER 2016

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

OFFICERS – Julie Richings, Principal Licensing Officer; David Burrell, Private Sector Housing and Licensing Manager; Amy Wennington, Lawyer; and Allison Hill, Democratic Officer.

ALSO IN ATTENDANCE – Sgt C Dickenson and PCSO M. McAllister, Durham Constabulary.

LGS21. ELECTION OF CHAIR – RESOLVED – That Councillor Kane be elected Chair for the purpose of this meeting.

LGS22. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LGS23. 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.

LGS24. REVIEW OF HACKNEY CARRIAGE DRIVER LICENCE REF NO 17/16 –
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 complaint concerning the behaviour of this driver.

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; 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; 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 revoke the Hackney Carriage Driver Licence as Members could no longer satisfy this Council that the driver was a fit and proper person to hold a driver licence. The reasons for the Members decision were that three separate complaints had been made to the Licensing Office regarding this driver; the driver showed a lack of concern for the welfare of the young, intoxicated female who made one of the complaints; the driver demonstrated an aggressive nature towards one of the other complainants; the driver did not appear regretful at the Licensing Committee; and the driver had previously received four written warnings in recent years and had clearly failed to take heed of them.

RESOLVED –That the Licence be revoked under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976.

LGS25. DETERMINATION OF HACKNEY CARRIAGE DRIVER LICENCE REF NO. 19/16 – 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 conviction.

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; 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; the Council’s responsibility with regard to safeguarding the public and, in particular, children and vulnerable adults; guidance on applicants with a conviction for a drug related offence would be required to show a period of five years free of a conviction before an application is considered or seven years after detoxification treatment if the applicant is an addict; guidance on convictions relating to the possession or manufacture of controlled drugs or substances; guidance on a conviction for actual bodily harm, grievous bodily harm, wounding, assault or possession of a dangers weapon; and guidance on applicants with a conviction for an offence involving dishonesty.

After careful consideration Members agreed to grant the licence as there were exceptional reasons to depart from the Council’s policy namely that over five years had passed since the driver completed his custodial sentence; a considerable length of time had elapsed since the driver’s previous convictions; the driver did show remorse for their actions at the meeting; and since release from prison the driver had shown that they could handle responsibility with driving a school mini bus and factory work.

RESOLVED - That the licence be granted with a warning letter in respect of future conduct and warned that if any further convictions, cautions, warnings or reprimands

are received they could be referred immediately to the General Licensing Sub-Committee.