

GENERAL LICENSING SUB COMMITTEE

17 JANUARY 2017

PRESENT – Councillors B Jones, D. Jones, Kane, Lawton and Nutt. (5)

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

ALSO IN ATTENDANCE – Sgt C Dickenson, Durham Constabulary.

LGS26. ELECTION OF CHAIR – RESOLVED – That Councillor Nutt be elected Chair for the purpose of this meeting.

LGS27. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LGS28. 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.

LGS29. APPLICATION FOR GRANT OF A PRIVATE HIRE DRIVER (REF NO 1/17) – The Director of Economic Growth submitted a report (previously circulated) to give consideration to an application for a Private Hire Driver Licence in light of relevant convictions.

The driver attended the meeting and responded to Members questions in relation to the relevant convictions, and to why they felt that they were a fit and proper person to hold a Private Hire 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 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 Private Hire Driver Licence on the grounds that his last conviction was less than five years ago; the proliferation and totality of the drivers criminal record which led Members to believe that the driver was not a fit and proper

person; and Members heard nothing from the driver to persuade them to depart from the Council's policy regarding multiple offences over a period of time.

RESOLVED – That the application be refused as the Committee did not consider the applicant to be a fit and proper person to hold a Private Hire Driver Licence.

LGS30. DETERMINATION OF PRIVATE HIRE DRIVER LICENCE (REF NO 2/17) – The Director of Economic Growth submitted a report (previously circulated) to give consideration to an application for a Private Hire Driver Licence in light of a relevant conviction.

The driver attended the meeting and responded to Members questions in relation to the relevant conviction, and to why they felt that they were a fit and proper person to hold a Private Hire 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 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 Private Hire Driver Licence because they heard nothing from the driver that could persuade them to depart from the Council's policy regarding sexual offences resulting in a licence application being refused; and Members were also concerned to hear from the representative of Durham Constabulary that there had been another historic complaint made about the driver of a sexual nature.

RESOLVED – That the application be refused as the Committee did not consider the applicant to be a fit and proper person to hold a Private Hire Driver Licence.

LGS31. DETERMINATION OF PRIVATE HIRE DRIVER LICENCE (REF NO 3/17) – The Director of Economic Growth submitted a report (previously circulated) to give consideration to an application for a Private Hire Driver Licence in light of relevant convictions.

The driver attended the meeting and responded to Members questions in relation to the relevant convictions, and to why they felt that they were a fit and proper person to hold a Private Hire 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 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 agreed to grant the licence although Members were concerned about the driver's past behaviour, they did note that the driver did not have an extensive criminal record and that it had been six years since their last conviction.

RESOLVED – That the licence be granted 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.

LGS32. APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER LICENCE (REF NO 4/17) - The Director of Economic Growth submitted a report (previously circulated) to give consideration to an application for a Private Hire Driver Licence in light of relevant convictions.

The driver attended the meeting and responded to Members questions in relation to the relevant convictions, and to why they felt that they were a fit and proper person to hold a Private Hire 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 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 agreed to grant the licence and although they had concerns about the driver's past behaviour, they noted that it had been six years since their last conviction. Members also felt that there were exceptional reasons to depart from the Licensing Policy regarding not granting licences to applicants with such extensive criminal records, namely that they believed the driver to have turned their life around, that they were sincere and the good reference provided by the drivers current employer.

RESOLVED – That the application be granted.