

GENERAL LICENSING SUB COMMITTEE

Tuesday, 10 July 2018

PRESENT – Councillors B Jones, Mrs D Jones, Kane, Lawton and Nutt

ALSO IN ATTENDANCE – PCSO McAllister (Durham Constabulary)

OFFICERS IN ATTENDANCE – Julie Richings (Principal Licensing Officer), Bethany Symonds (Lawyer), Leanne Maloney-Kelly, Licensing Officer, Charleen Gugi, Licensing Support Officer, Carol Glasper (Designated Officer) and Allison Hill (Democratic Officer)

LGS1 ELECTION OF CHAIR.

RESOLVED – That Councillor Nutt be elected Chair for the purpose of this meeting.

LGS2 DECLARATIONS OF INTEREST.

Councillor Nutt declared an interest in Item LGS4(4) below and left the meeting for consideration of that item.

LGS3 EXCLUSION OF THE PUBLIC AND PRESS

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 PRIVATE HIRE DRIVER LICENCE APPLICATIONS FOR GRANT AND REVIEWS OF A HACKNEY CARRIAGE DRIVER LICENCE AND A PRIVATE HIRE DRIVER LICENCE (EXCLUSION PARAGRAPHS 1 AND 7)

The Director of Economic Growth submitted a report (previously circulated) to give consideration to a review of a Private Hire Driver Licence in the light of information received from the Local Designated Officer (LADO); a review of a Hackney carriage Driver Licence in the light of recent motoring convictions; an application for the grant of a Private Hire Driver Licence in light of current convictions; and an application for the grant of a Private Hire Driver Licence in light of a previous conviction.

(1) Ref. No. 14/18 – To consider the review of Private Hire Driver Licence in light of a complaint alleging the grooming of two vulnerable females.

The driver failed to attend the meeting therefore the Members agreed to consider this matter in the driver's absence.

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 in assessing whether an applicant is a fit and

proper person; Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976; and the Institute of Licensing guidance on determining the suitability of applicants and licenses in the hackney carriage and private hire trades.

After careful consideration Members decided to revoke the driver's Private Hire Driver Licence and agreed that the driver was not a fit and proper person to hold this licence because they would not be confident to allow their family members to travel with the driver; taking into account the driver had appeared before Committee previously and were now aware of inappropriate conduct with a total of three females, two of which were under the age of 18; the driver had already received a final warning regarding his conduct; the guidance issued by the Institute of Licensing which states that Members were entitled to take in to consideration all matters concerning the driver and not simply their behaviour when driving a taxi; and the same guidance that states that any licensee with a connection to abuse, exploitation, or grooming should not be licensed.

The Members were also aware that the police investigation included consideration of whether the driver had engaged in grooming, and therefore the Members decided that this part of the guidance applies to the driver.

RESOLVED – That the licence be revoked with immediate effect in accordance with Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976.

(2) Ref. No. 13/18 – To give consideration to the review of Hackney Carriage Driver Licence in the light of recent motoring convictions.

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.

Members also heard representation from the driver's passenger at the time of the speeding offence and she spoke in support of the driver.

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 in assessing whether an applicant is a fit and proper person; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976; and the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures.

Members expressed their concern that the driver had been caught speeding three times in three months, however after careful consideration decided that the driver can retain their licence as they felt there were exceptional circumstances and that the driver had been placed under pressure by his passengers at the time of the incident in question.

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 convictions, cautions, warnings or reprimands are received they would be referred immediately to the General Licensing Sub Committee, where their licence could be revoked.

(3) Ref No. 12/18 – To give consideration to the grant of Private Hire Driver Licence in light of previous convictions.

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 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 and in assessing whether an applicant is a fit and proper person; and Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976; and the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures.

After careful consideration Members decided to grant the licence and felt that the most recent conviction was a one-off, noted the circumstances of the offence and agreed that the driver had been taken advantage of by a friend. The Members also took into consideration that they had already been offered a job at 1AB Taxis and that as a licensed taxi driver they would have to provide proof of insurance to the Council's Licensing Officer and the risk of driving a taxi without insurance was low.

RESOLVED – That the application be granted.

(4) Ref No. 11/18 – To give consideration to the grant of a Private Hire Driver Licence in light of previous convictions.

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 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 and in assessing whether an applicant is a fit and proper person; and Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976; and the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures.

After careful consideration Members decided that the driver appeared to have reformed their behaviour however, the driver's criminal record was still a concern and therefore agreed to grant the licence with a warning and that should any further criminal offences be received the driver's licence may be revoked by the Committee.

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 would be referred immediately to the General Licensing Sub-Committee.