

## **GENERAL LICENSING SUB COMMITTEE**

Tuesday, 1 December 2020

**PRESENT** – Councillors Donoghue, B Jones, Lee, A J Scott and Snedker

**OFFICERS IN ATTENDANCE** – Bethany Symonds (Lawyer), Colin Dobson (Licensing Manager), Allison Hill (Democratic Officer), Brian Murray (Assistant Licensing Manager) and Sgt C Dickenson (Durham Constabulary)

### **LGS13 ELECTION OF CHAIR**

**RESOLVED** - That Councillor B Jones be elected Chair for the purpose of this meeting.

### **LGS14 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at this meeting.

### **LGS15 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 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 1 of Schedule 12A to the Act.

### **LGS16 PRIVATE HIRE DRIVER LICENCE APPLICATIONS FOR GRANT (EXCLUSION PARAGRAPHS 1 AND 7)**

The Director of Economic Growth submitted a report (previously circulated) to give consideration to two applications for grant of a Private Hire Driver licence in light of previous convictions.

**Ref 06/20** – To consider an application for a grant 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 in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; and Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to refuse the application in light of the extensive criminal record and the further information disclosed by the police representative at the meeting including recent incidents of concern; the applicant

withheld a significant amount of their criminal record on the application form; and Members agreed that they would not be comfortable for their partners and family members to be a passenger in their taxi.

**RESOLVED** – That the application for a Private Hire Driver Licence be refused.

**Ref 07/20** – To consider an application for 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 in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; and Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to depart from the Council's Licensing Policy that there will be an expectation that applicants have been free from conviction for at least five years as the applicant had demonstrated to Members that he was fit and proper person and had shown remorse for his past actions and had attempted to change his life and shown a commitment to their family priorities, however, given regard to their criminal record Members felt it appropriate to issue the licence with a warning about future conduct.

**RESOLVED** – That the Licence be granted with a warning letter in respect of future conduct and the applicant be warned that if any further convictions, cautions, warnings or reprimands are received they would be referred immediately to the General Licensing Sub Committee.