

## **GENERAL LICENSING SUB COMMITTEE**

Tuesday, 18 September 2018

**PRESENT** – Councillors B Jones, Kane, C L B Hughes and Lee

**APOLOGIES** – Councillors Mrs D Jones,

**ALSO IN ATTENDANCE** – Councillors McAllister (Durham Constabulary)

**OFFICERS IN ATTENDANCE** – Carol Glasper (Designated Officer), Julie Richings (Principal Licensing Officer), Amy Wennington (Principal Lawyer (Litigation)), Brian Murray (Licensing Officer), Allison Hill (Democratic Officer) and Graham Hall (Head of Community Safety)

### **5 ELECTION OF CHAIR.**

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

### **6 DECLARATIONS OF INTEREST.**

There were no declarations of interest reported at this meeting

### **7 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.

### **8 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 a grant of a private hire driver licence in the light of previous convictions; a review of a hackney carriage driver licence in the light of his arrest pending investigation by Durham Constabulary in respect of the possession of two bin bags of marijuana and 2 kg of cocaine with intent to supply; a review of a private hire and hackney carriage driver licence in light of an allegation and pending investigation by Durham Constabulary; and a review of a private hire and hackney carriage driver licence in light of his arrest pending investigation by Durham Constabulary.

**(1) Ref. No. 16/18** – To consider 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.

After careful consideration Members decided to depart from the Council's Licensing policy and grant the licence as they believed that the driver had changed and also noted that he had not committed any offences in the last 11 years and therefore had not offended since the age of 18. The Members reminded the driver that he must be truthful with the Licensing Office in future and should have declared the full extent of his criminal record in your licence application form.

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

**(2) Ref No. 15/18** – To give consideration to the review of Hackney Carriage Driver Licence in light of his arrest pending investigation by Durham Constabulary in respect of the possession of two bin bags of marijuana and 2 kg of cocaine (with a street value of £80,000) with intent to supply.

It was reported that the driver had been suspended on 24 July 2018 by the Licensing Manager, with the approval of the Chair of General Licensing Committee, with immediate effect under Section 61(1) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

The driver failed to attend the meeting.

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 Section 52 of the Road Safety Act 2006.

After careful consideration the Members decided to revoke the Hackney Carriage Driver Licence in the interests of public safety. They agreed that the revocation of the licence was a proportionate response to the severity of the allegations that the driver faced and the risk to the public that was posed; the situation was gravely exacerbated by the fact that the driver had failed to inform the Council of his arrest for this extremely serious offence; and the driver had provided no explanation for his non-attendance at the Sub-Committee's meeting

**RESOLVED** –That the licence be revoked with immediate effect in the interests of public safety in accordance with the provisions of Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

**(3) Ref No. 17/18** – To give consideration to the review of a Private Hire and Hackney Carriage Driver Licence in light of a pending investigation by Durham

Constabulary in respect of an allegation of inappropriate sexual touching.

It was reported that the driver had been suspended on 8 June 2018 by the Licensing Manager, with the approval of the Chair of the General Licensing Committee, with immediate effect under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

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 and Hackney Carriage 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 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976; and Section 52 of the Road Safety Act 2006.

After careful consideration Members agreed with the Licensing Manager that the allegation was extremely serious and on that basis the driver posed a safety risk to passengers and the wider public.

**RESOLVED** – That the suspension, made in accordance with the provisions of Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds of public safety be confirmed pending further information being provided from Durham Constabulary.

**(4) Ref No. 18/18** – To give consideration to the review of a Private Hire and Hackney Carriage Driver Licence in light of his arrest pending investigation by Durham Constabulary for offences of holding pre-recorded and live videos of child sexual abuse.

It was reported that the driver had been suspended by the Licensing Manager, with the approval of the Chair of the General Licensing Committee, on 10 August 2018 with immediate effect under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

The driver failed to attend the meeting.

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 Section 52 of the Road Safety Act 2006.

After careful consideration Members agreed with the Head of Community Safety that the allegation was extremely serious and on that basis the driver posed a safety risk to passengers and the wider public.

**RESOLVED** - That the suspension, made in accordance with the provisions of Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 on the

grounds of public safety be confirmed pending further information being provided from Durham Constabulary.

ration a grant of a private hire driver licence in the light of previous convictions; a review of a hackney carriage driver licence in the light of his arrest pending investigation by Durham Constabulary in respect of the possession of two bin bags of marijuana and 2 kg of cocaine with intent to supply; a review of a private hire and hackney carriage driver licence in light of an allegation and pending investigation by Durham Constabulary; and a review of a private hire and hackney carriage driver licence in light of his arrest pending investigation by Durham Constabulary.

**(5) Ref. No. 16/18** – To consider 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.

After careful consideration Members decided to depart from the Council's Licensing policy and grant the licence as they believed that the driver had changed and also noted that he had not committed any offences in the last 11 years and therefore had not offended since the age of 18. The Members reminded the driver that he must be truthful with the Licensing Office in future and should have declared the full extent of his criminal record in your licence application form.

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

**(6) Ref No. 15/18** – To give consideration to the review of Hackney Carriage Driver Licence in light of his arrest pending investigation by Durham Constabulary in respect of the possession of two bin bags of marijuana and 2 kg of cocaine (with a street value of £80,000) with intent to supply.

It was reported that the driver had been suspended on 24 July 2018 by the Licensing Manager, with the approval of the Chair of General Licensing Committee, with immediate effect under Section 61(1) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

The driver failed to attend the meeting.

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 Section 52 of the Road Safety Act 2006.

After careful consideration the Members decided to revoke the Hackney Carriage Driver Licence in the interests of public safety. They agreed that the revocation of the licence was a proportionate response to the severity of the allegations that the driver faced and the risk to the public that was posed; the situation was gravely exacerbated by the fact that the driver had failed to inform the Council of his arrest for this extremely serious offence; and the driver had provided no explanation for his non-attendance at the Sub-Committee's meeting

**RESOLVED** –That the licence be revoked with immediate effect in the interests of public safety in accordance with the provisions of Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

**(7) Ref No. 17/18** – To give consideration to the review of a Private Hire and Hackney Carriage Driver Licence in light of a pending investigation by Durham Constabulary in respect of an allegation of inappropriate sexual touching.

It was reported that the driver had been suspended on 8 June 2018 by the Licensing Manager, with the approval of the Chair of the General Licensing Committee, with immediate effect under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

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 and Hackney Carriage 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 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976; and Section 52 of the Road Safety Act 2006.

After careful consideration Members agreed with the Licensing Manager that the allegation was extremely serious and on that basis the driver posed a safety risk to passengers and the wider public.

**RESOLVED** – That the suspension, made in accordance with the provisions of Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds of public safety be confirmed pending further information being provided from Durham Constabulary.

**(8) Ref No. 18/18** – To give consideration to the review of a Private Hire and Hackney Carriage Driver Licence in light of his arrest pending investigation by Durham Constabulary for offences of holding pre-recorded and live videos of child sexual abuse.

It was reported that the driver had been suspended by the Licensing Manager, with the approval of the Chair of the General Licensing Committee, on 10 August 2018

with immediate effect under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

The driver failed to attend the meeting.

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 Section 52 of the Road Safety Act 2006.

After careful consideration Members agreed with the Head of Community Safety that the allegation was extremely serious and on that basis the driver posed a safety risk to passengers and the wider public.

**RESOLVED** - That the suspension, made in accordance with the provisions of Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds of public safety be confirmed pending further information being provided from Durham Constabulary.