

GENERAL LICENSING SUB COMMITTEE

Tuesday, 18 April 2023

PRESENT – Councillors C L B Hughes (Chair), Donoghue, B Jones, Lee and Mrs Scott

OFFICERS IN ATTENDANCE – Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), Thomas Mann (Licensing Support Officer), Bethany Symonds (Lawyer), Pc Iain Robertson (Durham Constabulary) and Hannah Miller (Democratic Officer)

LGS25 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

RESOLVED - That Councillor C Hughes be elected Chair for the purpose of this meeting.

LGS26 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS27 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.

LGS28 PRIVATE HIRE/HACKNEY CARRIAGE DRIVER LICENCE (EXCLUSION PARAGRAPHS 1 AND 7)

The Group Director of Services submitted a report (previously circulated) to give consideration to the review of two private hire Licence holder and a review of a Hackney Carriage/private hire driver licence holder.

Ref: 05/23

To give consideration to a review of a Hackney Carriage/private hire driver licence in light of an ongoing criminal investigation by Durham Constabulary.

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 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, Reprimands, Fixed Penalties, Warnings and Complaints in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy; Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976; and Section 52 of the Road Safety Act 2006.

After careful consideration Members decided to confirm the suspension of the driver licence for a period of 6 months and that the licence be referred back to the General Licensing Sub

Committee for further consideration for the reasons that although not convicted, Members were concerned that the driver may have been involved in the supply of counterfeit tobacco and dangerous vapes.

RESOLVED – That the driver licence which was previously suspended in accordance with section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety be confirmed in accordance with the same legislation for a period of 6 months and be referred back to the General Licensing Sub Committee for further consideration.

Ref: 03/23

To give consideration to a review of a private hire driver licence in light of an ongoing criminal investigation by Durham Constabulary.

The driver did not attend the meeting and was therefore unable to respond to Members questions as to why he was a fit and proper person to retain 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, Reprimands, Fixed Penalties, Warnings and Complaints in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976; and Section 52 of the Road Safety Act 2006.

After careful consideration Members decided to revoke the driver licence due to the nature of the offences outlined in the submitted report, although not convicted and in light of Members grave concerns regarding the fitness and propriety of the driver.

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

Ref: 04/23

To give consideration to a review of a private hire driver licence in light of an ongoing criminal investigation by Durham Constabulary.

The driver did not attend the meeting and was therefore unable to respond to Members questions as to why he was a fit and proper person to retain 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, Reprimands, Fixed Penalties, Warnings and Complaints in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976; and Section 52 of the Road Safety Act 2006.

After careful consideration Members decided to revoke the driver licence due to the nature of the offence outlined in the submitted report, concerns regarding the fitness and propriety

of the driver and in the interest of public safety

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