

GENERAL LICENSING SUB COMMITTEE

Tuesday, 25 July 2023

PRESENT – Councillors , Mrs Culley, Dulston, Kane, Lawley and K Nicholson

APOLOGIES – Councillors ,

ABSENT – Councillors

ALSO IN ATTENDANCE – Councillors

OFFICERS IN ATTENDANCE – Amy Wennington (Principal Lawyer (Litigation)), Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), PC Alan Newcombe (Durham Constabulary) and Hannah Miller (Democratic Officer)

LGS5 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

RESOLVED - That Councillor K Nicholson be elected Chair for the purpose of this meeting.

LGS6 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS7 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.

LGS8 PRIVATE HIRE DRIVER LICENCE APPLICATIONS FOR GRANT AND REVIEW OF A HACKNEY CARRIAGE DRIVER LICENCE (EXCLUSION PARAGRAPHS 1 AND 7)

The Group Director of Services submitted a report (previously circulated) to give consideration to a review of a Hackney Carriage Driver Licence and two applications for grant of a Private Hire Driver Licence.

Ref: 08/23

To give consideration to a review of a Hackney Carriage Driver Licence in light of information received regarding inappropriate behaviour.

The driver attended the meeting and, with support from a friend also in attendance, 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.

In reaching their decision, Members took into consideration the Council's guidance as to 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; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to refuse to renew the Hackney Carriage Driver Licence. Members felt that as the driver required increasing support from other drivers when submitting driver applications and in light of information provided in relation to the drivers vulnerability, that there were concerns for the safety of both the driver and passengers.

RESOLVED – That the renewal of the Hackney Carriage Driver Licence be refused as the Committee did not consider the driver to be a fit and proper person to hold a Hackney Carriage Driver Licence.

Ref: 09/23

To give consideration to an application for grant of a Private Hire Drivers Licence in light of a previous conviction.

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 guidance as to 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; and Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to grant the Private Hire Driver Licence as they were satisfied that they were a fit and proper person, however due to the drivers failure to inform the Licensing department of their previous conviction, Members agreed that a warning be issued about their future conduct.

RESOLVED – That the application for a Private Hire Driver Licence be granted and the driver be issued 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.

Ref: 10/23

To give consideration to an application for grant of a Private Hire Drivers Licence in light of a previous conviction.

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 Drivers Licence.

In reaching their decision, Members took into consideration the Council's guidance as to 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; and Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided not to grant the application for a Private Hire Drivers Licence. Members considered the previous conviction which was a major traffic offence, additional information regarding further offences which Members felt showed a lack of care and responsibility, and information received in relation to a warning of possession of cannabis.

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