

GENERAL LICENSING SUB COMMITTEE

Wednesday, 28 February 2024

PRESENT – Councillors Mrs Culley, Curry, Donoghue, Kane and K Nicholson.

OFFICERS IN ATTENDANCE – Amy Wennington (Principal Lawyer (Litigation)), Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), PC Alan Newcombe (Durham Constabulary), Paul Dalton (Democratic and Elections Officer) and Olivia Hugill (Democratic Officer).

LGS29 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

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

LGS30 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS31 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.

LGS32 PRIVATE HIRE / HACKNEY CARRIAGE 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 Group Director of Services submitted a report (previously circulated) to give consideration to three applications, namely the review of a Private Hire Driver Licence in light of new motoring convictions; the review of a Hackney Carriage Driver Licence in light of new motoring convictions; and a new application for a Private Hire Driver Licence in light of a previous conviction.

Ref: 05/24

To review a Private Hire Driver Licence in light of new 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 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 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to permit the driver to retain his Private Hire Driver Licence, however it was noted that Members were unimpressed by the lack of care and responsibility the driver had shown towards the general public by committing these offences and issued the driver with a warning about future conduct, and advised that any further offences of any kind would result in the driver's immediate return to the Sub-Committee for a further review of his Private Hire Driver Licence.

Members also required that the driver must successfully undertake the Safe and Considerate Driving Course, run by Hartlepool Borough Council, at the driver's own expense, within the next six months, and that written evidence of undertaking this course must be produced to the Licensing Section within this timeframe.

RESOLVED – That the driver be permitted to retain his Private Hire Driver Licence, however that:

- (a) 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 he would be referred immediately to the General Licensing Sub-Committee; and
- (b) the driver must successfully undertake the Safe and Considerate Driving Course, run by Hartlepool Borough Council, at the driver's own expense, within the next six months, and that written evidence of undertaking this course must be produced to the Licensing Section within this timeframe.

Ref: 06/24

To review of a Hackney Carriage Driver Licence in light of new 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.

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 permit the driver to retain his Hackney Carriage Driver Licence, however it was noted that Members were unimpressed by the lack of care and responsibility that the driver had shown towards the general public by committing these offences and issued the driver with a warning about future conduct, and advised that any further offences of any kind would result in the driver's immediate return to the Sub-Committee for a further review of his Hackney Carriage Driver Licence.

Members also required that the driver must successfully undertake the Safe and Considerate Driving Course, run by Hartlepool Borough Council, at the driver's own expense, within the next six months, and that written evidence of undertaking this course must be produced to the Licensing Section within this timeframe.

RESOLVED – That the driver be permitted to retain his Hackney Carriage Driver Licence, however that:

- (a) 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 he would be referred immediately to the General Licensing Sub-Committee; and
- (b) the driver must successfully undertake the Safe and Considerate Driving Course, run by Hartlepool Borough Council, at the driver's own expense, within the next six months, and that written evidence of undertaking this course must be produced to the Licensing Section within this timeframe.

Ref: 07/24

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

Members were advised that the driver had been convicted of an offence of failing to provide a specimen for analysis (driving or attempting to drive) in July 2020, and informed of the driver's personal circumstances that contributed to this conviction. The driver attended the meeting and responded to Members questions in relation to the above, and to why he felt that he was a fit and proper person to hold a Private Hire Driver Licence.

After careful consideration, the Members of the Committee did consider the driver to be "fit and proper" and decided to grant the driver a Private Hire Driver Licence. Members made this decision under section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

In reaching this decision, Members acknowledged that they had stepped outside of their own policy, however believed that the driver had made a terrible decision following a very difficult and traumatic period of his life, and Members were keen to offer the opportunity to the driver to advance and improve himself.

Members did, however, issue a warning in relation to future conduct, and advised that should the driver commit any offences of any kind, or should the Licensing Section receive any complaints about his conduct, or reports of any incident involving the driver, then this would result in the driver's immediate return to the Sub-Committee for a further review of his Private Hire Driver Licence.

RESOLVED – (a) That the application for a Private Hire Driver Licence be granted; and

- (b) That the driver be warned that if any further convictions, cautions, warnings or reprimands were received he would be referred immediately to the General Licensing Sub-Committee.