

GENERAL LICENSING SUB COMMITTEE

Tuesday, 13 November 2018

PRESENT – Councillors , K Nicholson, Kane, Lawton, Nutt and Lee

APOLOGIES – Councillors ,

ABSENT – Councillors

ALSO IN ATTENDANCE – Councillors C Dickenson (Durham Constabulary)

OFFICERS IN ATTENDANCE – Julie Richings (Principal Licensing Officer), Allison Hill (Democratic Officer), Bethany Symonds (Lawyer) and Brian Murray (Licensing Officer)

LGS9 ELECTION OF CHAIR

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

LGS10 DECLARATIONS OF INTEREST.

There were no declarations of interest reported.

LGS11 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.

LGS12 PRIVATE HIRE DRIVER LICENCE APPLICATIONS FOR GRANT (EXCLUSION PARAGRAPHS 1 AND 7)

The Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) to give consideration to an application for the grant of a private hire driver licence in the 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.

During the meeting Members were made aware that the driver had been involved in

three driving related incidents in 2016 and although they had a conviction for the September 2016 offence they were not prosecuted for the offences in February and August 2016 as the police officer present told the Sub-Committee that they had been unable to trace the driver within the 6 month time frame that they had to prosecute you, and therefore they could not take any further action.

After careful consideration Members decided to refuse the application as they did not feel that the driver was a fit and proper person to hold a Private Hire Driver Licence. They agreed that although the driver had not been convicted of the offences in February and August 2016, they admitted to the Sub-Committee that they had committed those offences. Members could therefore not accept the explanation that they had not received the letters from police regarding the incidents in February and September 2016. The driver also did not disclose these incidents on their application form and one came to light when the Council conducted a check with the DVLA and the other two when the police officer at the meeting advised the Members and Members therefore felt that this indicated that the driver was not a fit and proper person to hold a licence.

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