

## GENERAL LICENSING SUB COMMITTEE

Tuesday, 13 August 2024

**PRESENT** – Councillors Donoghue (The Mayor), Curry, Haszeldine, Kane and Ray.

**OFFICERS IN ATTENDANCE** – Colin Dobson (Licensing Manager), Jim Langley (Principal Lawyer - Litigation), Brian Murray (Assistant Licensing Manager), Sgt C Dickenson (Durham Constabulary) and Paul Dalton (Democratic and Elections Officer).

### **LGS1 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING**

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

### **LGS2 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at this meeting.

### **LGS3 PRIVATE HIRE OPERATOR LICENCE**

The Group Director of Services submitted a report (previously circulated) which invited Members to consider a report in respect of the grant of a Private Hire Operators Licence (PHO) out of scope of Darlington Borough Council's Private Hire and Hackney Carriage Licensing Policy.

The submitted report stated that an application for a PHO licence on behalf of Uber Britannica Ltd (Uber) had been received on 22 May 2024. It was reported that within Darlington Borough Council's Private Hire and Hackney Carriage Licensing Policy there was a condition that a Private Hire Operator's licence will not be issued unless the applicant operates from a premises within the borough of Darlington and that a fixed landline telephone number for bookings be provided at the premises. It was noted that whilst Uber had a business premises located in Darlington, with the appropriate planning permission, the company did not have a fixed landline telephone number for bookings to be made, and as this therefore fell outside of Darlington Borough Council's Private Hire and Hackney Carriage Licensing Policy, the decision whether to grant a PHO licence was removed from Officers' delegated authority, and it was for Members to make a determination.

The submitted report acknowledged that technology had progressed and that a fixed line telephone number at a local office could be diverted to a contact centre outside of the borough of Darlington, and that app-based technology on hand-held devices had removed the need for any direct telephone contact when making bookings, whilst still complying with statutory standards for recording details.

The submitted report reminded Members that, when making their decision, they had to give due regard to the Council's Private Hire and Hackney Carriage Licensing Policy and procedures, and should assess whether the applicant is a fit and proper person to hold a licence, and that each case should be assessed on its own merits. In giving consideration to the application, Members were asked to be mindful of safeguarding the public, in particular children and vulnerable adults, and apply the working test to determine whether the applicant was a fit and proper person.

The applicant attended the meeting and responded to Members questions in relation to the above, as to why they felt that they were a fit and proper person to hold a Private Hire Operators Licence.

**RESOLVED** – (a) That the Private Hire Operators Licence be granted.

(b) That an additional condition be added to ensure Private Hire Driver training is provided to the standards required by Darlington Borough Council.

#### **LGS4 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.

#### **LGS5 PRIVATE HIRE DRIVER LICENCE (EXCLUSION PARAGRAPHS 1 AND 7)**

The Group Director of Services submitted a report (previously circulated) to give consideration to two applications, namely a new application for a Private Hire Driver Licence in light of previous convictions, and a review of a Private Hire Driver Licence in light of information provided by Durham Constabulary.

##### **Ref: 10/24**

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

Members were advised that the applicant's Disclosure and Barring Certificate contained details of five convictions between 2013 and 2016, and the applicant's Driver and Vehicle Licensing Agency (DVLA) licence summary listed two endorsements, one in 2021 and the other in 2023. The representative from Durham Constabulary also advised Members of a positive drugs wipe in 2022, for which the applicant was arrested and charged, however action was discontinued by the Crown Prosecution Service in 2023. The driver did not attend the meeting.

After careful consideration, the Members of the Committee did not consider the driver to be "fit and proper" and decided to refuse the driver a Private Hire Driver Licence. Members made this decision under section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

**RESOLVED** – That the application for a Private Hire Driver Licence be refused.

##### **Ref: 11/24**

To review of a Private Hire Drivers Licence in light of information provided by Durham Constabulary.

Members were invited to confirm the suspension of the licence of a Private Hire Driver in light of an ongoing criminal investigation by Durham Constabulary. Members were informed of the nature of the allegations and the further investigation which remained ongoing.

Members were further informed that the Assistant Licensing Manager had considered it necessary to apply the provisions of Section 61 2B of the Local Government (Miscellaneous Provisions) Act 1976, and suspend the licence holder's Private Hire Licence with immediate effect on the grounds of public safety, and that the matter be referred to this meeting of the General Licensing Sub-Committee. The driver did not attend the meeting.

After careful consideration, the Members of the Committee did not consider the driver to be "fit and proper" and decided to revoke the Private Hire Driver Licence for this driver on the grounds of public safety. Members made this decision under section 61 (1) and 61 2B of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 52 of the Road Safety Act 2006.

**RESOLVED** – That, in the interest of public safety, the Private Hire Driver Licence be revoked.