

GENERAL LICENSING SUB COMMITTEE

Tuesday, 28 July 2020

PRESENT – Councillors Dulston, B Jones, A J Scott and Snedker

APOLOGIES – Councillor K Nicholson

ALSO IN ATTENDANCE – Pc Iain Robertson (Durham Constabulary)

OFFICERS IN ATTENDANCE – Graham Hall (Head of Community Safety), Colin Dobson (Licensing Manager), Allison Hill (Democratic Officer), Brian Murray (Assistant Licensing Manager) and Bethany Symonds (Lawyer)

LGS1 ELECTION OF CHAIR

RESOLVED - That Councillor B Jones be elected Chair for the purpose of this meeting.

LGS2 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS3 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.

LGS4 PRIVATE HIRE DRIVER LICENCE APPLICATIONS FOR GRANT AND REVIEWS OF A PRIVATE HIRE DRIVER LICENCE (EXCLUSION PARAGRAPHS 1 AND 7)

The Director of Economic Growth submitted a report (previously circulated) to give consideration to an application for the grant of a Private Hire Driver Licence in light of previous convictions and current motoring conviction; an application for the grant of a Private Hire Driver Licence in light of previous convictions; and a review of a Private Hire Driver in light of a complaint about inappropriate language/behaviour.

Ref 02/20 – To consider an application for a grant of a Private Hire Driver Licence in light of previous convictions and a motoring offence.

The driver did not attend the meeting and advised the Licensing Manager in advance that he was ill. Members considered the action that they wished to take.

RESOLVED – That the driver be invited to attend the next ordinary meeting of the General Licensing Sub Committee for consideration of his application.

Ref 03/20 – To consider an application for the grant of a Private Hire Driver Licence in 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

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

After careful consideration Members decided to grant the licence as 12 years had passed since the last incident and Members were satisfied that the driver had changed since then and had become a more responsible person and that they were a 'fit and proper' person to hold a licence, however given the criminal record Members felt it appropriate to issue the grant with a warning letter in respect of future conduct.

RESOLVED – That the licence be granted 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 04/20 – To consider a review of a Hackney Carriage Driver Licence in light of a serious complaint received.

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 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; and Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to revoke the Hackney Carriage Driver Licence as the driver had admitted to repeatedly direct racially abusive comments towards the complainant however did not appear to recognise why this was unacceptable or show any remorse; the drivers apparent lack of understanding about racism and Members could not be satisfied that the incident would not be repeated; and Members were concerned about his attitude and how it might impact upon the treatment offered to passengers from ethnic minorities. Members were not satisfied that the driver was a 'fit and proper' person to hold such a licence.

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