

GENERAL LICENSING SUB COMMITTEE

Tuesday, 25 January 2022

PRESENT – Councillors Donoghue, B Jones and Snedker

APOLOGIES – Councillors Dulston and Lee,

OFFICERS IN ATTENDANCE – Amy Wennington (Principal Lawyer (Litigation)), Colin Dobson (Licensing Manager), Allison Hill (Democratic Officer), Brian Murray (Assistant Licensing Manager), Sgt C Dickenson (Durham Constabulary) and Marian Garland (Local Authority Designated Officer (LADO))

LGS9 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

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

LGS10 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

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 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.

LGS12 REVIEWS OF PRIVATE HIRE DRIVER LICENCES (EXCLUSION PARAGRAPHS 1 AND 7)

The Group Director of Services submitted a report (previously circulated) to give consideration to a review of a Private Hire Driver Licence in light of new motoring convictions; and a review of a Private Hire Driver Licence in light of an ongoing criminal investigation by Durham Constabulary.

Ref 01/22

To give consideration to a review of the licence of a private hire driver 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 Licensing Policy, which sets out the Council's stance on the Relevance of Convictions, Cautions and Endorseable Fixed Penalties in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; Section 52 of the Road Safety Act 2006 as amended Section 61 of the 1976 Act; and Section 61(1) of the

Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to revoke the Private Hire Driver Licence as when the licence was granted in December 2020 it was granted with a warning and the first speeding offence occurred within just 75 days of the licence being granted. Members felt that the driver had not learnt from this incident and committed the same offence in the same place only seven months later which gave them reasonable cause to revoke their licence.

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

Ref 02/22

To confirm the suspension of the licence of a private hire driver in light of an ongoing criminal investigation by Durham Constabulary and to give consideration to any appropriate action they may wish to take.

The driver had notified the Licensing Manager that he did not intend to attend the meeting.

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 in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; Section 52 of the Road Safety Act 2006 as amended Section 61 of the 1976 Act; and Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to revoke the Private Hire Driver Licence with immediate effect and although the driver had not yet been convicted, the allegations made against them were extremely serious, they had been corroborated and there had been some admissions made which gave Members reasonable cause for revocation.

RESOLVED – That, with immediate effect, in accordance with Section 61(2B) of the Local Government (Miscellaneous Provisions) Act the Licence be revoked under Section 61(1(b) of the Local Government (Miscellaneous Provisions) Act.