

GENERAL LICENSING SUB COMMITTEE

Tuesday, 6 September 2022

PRESENT – Councillors C L B Hughes, Lee, Newall, A J Scott and Snedker

APOLOGIES – Councillors Mrs H Scott,

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 Pc Iain Robertson (Durham Constabulary)

LGS9 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

RESOLVED - That Councillor C Hughes 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 PRIVATE HIRE DRIVER LICENCE APPLICATIONS FOR GRANT AND REVIEW OF A PRIVATE HIRE DRIVER LICENCE (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 and two new applications for grant of a Private Hire Driver Licence.

Ref 06/22

To give consideration to a review of a Private Hire Driver Licence in light of a new caution.

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

After careful consideration Members decided to allow the driver to retain their Licence as they were satisfied that they were regretful and that they had changed their behaviour and that there was no expectation that an incident of this nature would occur again, however a warning be issued about their future conduct.

RESOLVED – That the licence be retained and 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 they would be referred immediately to the General Licensing Sub-Committee.

Ref 07/22

To give consideration to 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 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; and Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 that advises that the Council shall not grant a licence unless they are satisfied that an applicant is a fit and proper person to hold a driver's licence.

After careful consideration Members agreed that they were satisfied that the driver was remorseful and that they had changed their behaviour and that the incidents had occurred over a short period, a considerable time ago during a particular tough spell in the driver's life. Members also noted that in accordance with the Licensing Policy, the driver had been conviction free for more than 10 years; and there was only one conviction of this nature.

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

Ref 08/22

To give consideration to 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 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; and Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 that advises that the

Council shall not grant a licence unless they are satisfied that an applicant is a fit and proper person to hold a driver's licence.

After careful consideration Members decided to refuse the application in light of previous convictions for possession of a controlled drug with intent to supply and multiple drug-related offences within the last ten years; and therefore agreed that there was no reason to step outside of their policy and had general concerns about the drivers ongoing involvement with the Police.

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