

GENERAL LICENSING SUB COMMITTEE

Wednesday, 26 July 2023

PRESENT – Councillors Mrs Culley, Dulston, Kane, Lawley and K Nicholson

OFFICERS IN ATTENDANCE – Amy Wennington (Principal Lawyer (Litigation)), Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), PC Alan Newcombe (Durham Constabulary) and Hannah Miller (Democratic Officer)

LGS9 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

RESOLVED - That Councillor K Nicholson 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 A HACKNEY CARRIAGE DRIVER LICENCE AND 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 Licence and a review of a Hackney Carriage Driver Licence.

Ref: 11/23

To confirm the suspension of a Private Hire Driver Licence in light of an ongoing criminal investigation by Durham Constabulary.

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 guidance as to 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 confirm the suspension of the licence and agreed that the allegations were serious; the investigation remained ongoing; and that the

drivers bail conditions would essentially not allow the driver to work as a taxi driver.

RESOLVED - That the Private Hire Driver Licence which was previously suspended in accordance with section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety, be confirmed in accordance with the same legislation.

Ref: 12/23

To confirm the suspension of a Hackney Carriage Driver Licence in light of an ongoing criminal investigation by Durham Constabulary.

The driver had informed the Assistant Licensing Manager that they did not intend to attend the meeting and had given their written approval for the licence review to be considered in their absence.

In reaching their decision, Members took into consideration the Council's guidance as to 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 licence with immediate effect as although the driver had not yet been convicted, the allegations were serious and there had been some admissions made which gave Members reasonable cause for revocation.

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