

GENERAL LICENSING SUB COMMITTEE

Tuesday, 17 October 2023

PRESENT – Councillors Mrs Culley, Donoghue, Dulston, Kane and K Nicholson.

OFFICERS IN ATTENDANCE – Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), Amy Wennington (Principal Lawyer (Litigation)), PC Alan Newcombe (Durham Constabulary), Thomas Mann (Assistant Licensing Enforcement Officer), Shaun Trevor (Trading Standards and Animal Health Manager) and Paul Dalton (Democratic and Elections Officer).

LGS17 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

RESOLVED - That Councillor K. Nicholson be elected Chair for the purpose of this meeting.

LGS18 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS19 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.

LGS20 PRIVATE HIRE DRIVER LICENCE APPLICATIONS FOR GRANT AND 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) inviting Members to give consideration to a review of a Private Hire Driver in light of new speeding convictions; a review of a Private Hire Driver in light of a new conviction; a review of a Private Hire/Hackney Carriage Driver licence in light of a new conviction; and a review of a current suspended Private Hire/Hackney Carriage Driver licence.

Ref 15/23

To give consideration to a review of a Private Hire Driver Licence in light of new speeding 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 61

(1) of the Local Government (Miscellaneous Provisions) Act 1976; and Section 52 of the Road Safety Act 2006.

After careful consideration Members decided to revoke the Private Hire Driver Licence, with immediate effect, in accordance with sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety.

Members made this decision as the driver had committed three speeding offences, and consequently acquired nine points on his DVLA driving licence, within a nine-month period; did not report any of these offences to the Council's Licensing Section as required by conditions attached to his Private Hire Driver Licence; the driver had received a written warning from the Assistant Licensing Manager following the first two offences, in relation to both speeding and failing to report offences to the Council, and he failed to heed this warning; and on one of the occasions that the driver was caught speeding he informed the Members that he was carrying a paying passenger.

Members felt this behaviour raised serious concerns in relation to public safety and the Members decided that this gave them reasonable cause to revoke the driver's Private Hire Driver Licence.

RESOLVED – That the driver's Private Hire Driver Licence be revoked under sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Ref 16/23

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

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; and Section 52 of the Road Safety Act 2006.

After careful consideration Members decided to permit the driver to retain his licence as they were satisfied that he did not pose a threat to the general travelling public and Members had no concerns therefore regarding public safety. Members noted that the driver reported the offence to the Council's Licensing Section directly and commended him for the examples that he provided them with at the meeting in relation to how he took care of his customers.

Members did direct that a warning letter be issued in respect of future conduct, and the driver was advised that any further offences of any kind would result in his immediate return to Committee for a further review of his licence, and that it would be unlikely that he would be permitted to retain his licence again.

RESOLVED – That the driver be permitted to retain his licence, however that the driver also be issued with a warning letter in respect of future conduct and warned that if any further convictions, cautions, warnings or reprimands are received he would be referred immediately to the General Licensing Sub-Committee.

Ref 17/23

To give consideration to a review of a driver's Private Hire Driver Licence and Hackney Carriage Driver Licence in light of a new conviction.

The driver did not 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; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976; and Section 52 of the Road Safety Act 2006.

After careful consideration Members decided to revoke the driver's Private Hire Driver Licence and Hackney Carriage Driver Licence with immediate effect in accordance with sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Members made this decision as the driver had been convicted of driving without due care and attention and was awaiting sentencing by the Crown Court. The driver's DVLA driving licence had been revoked by the Court immediately upon conviction. Members therefore had serious concerns regarding public safety and decided that this gave them reasonable cause to revoke the driver's Private Hire Driver Licence and Hackney Carriage Driver Licence.

RESOLVED – That the driver's Private Hire Driver Licence and Hackney Carriage Driver Licence be revoked under sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Ref 18/23

To give consideration to a review of a current suspended Private Hire Driver Licence and Hackney Carriage Driver Licence in light of an ongoing criminal investigation by Trading Standards and Durham Constabulary into counterfeit cigarettes and illegal strength vapes.

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; and Section 52 of the Road

Safety Act 2006.

After careful consideration Members decided to revoke the driver's Private Hire Driver Licence and Hackney Carriage Driver Licence in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

Members made this decision because counterfeit cigarettes and illegal strength vapes had been found in the driver's home, vehicle and business premises; as the Magistrates were sufficiently satisfied that there was criminal activity taking place in the driver's business premises to impose a three-month Closure Order on the property; and Members expressed concerns that the driver could use his position as a taxi driver to transport such products without attention being drawn to him, due to his use of a licensed taxi vehicle.

RESOLVED – That the driver's Private Hire Driver Licence and Hackney Carriage Driver Licence be revoked under sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

(NOTE: The Chair used his discretion to vary the Agenda, and took the Item Ref. 18/23 immediately after Item Ref. 15/23, and prior to Item Ref. 16/23.)