

GENERAL LICENSING SUB COMMITTEE

Tuesday, 27 February 2024

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

OFFICERS IN ATTENDANCE – Amy Wennington (Principal Lawyer (Litigation)), Brian Murray (Assistant Licensing Manager), Mark Walton (Licensing Enforcement Officer), PC Alan Newcombe (Durham Constabulary), Paul Dalton (Democratic and Elections Officer) and Olivia Hugill (Democratic Officer).

LGS25 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

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

LGS26 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS27 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.

LGS28 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) to give consideration to three applications, namely the grant of a Private Hire Drivers Licence application in light of a previous conviction and a live motoring conviction; the grant of a Private Hire Drivers Licence application in light of previous convictions; and the grant of a Private Hire Drivers Licence application in light of a concern raised during the application process.

Ref: 02/24

To give consideration to the grant of a Private Hire Drivers Licence application in light of a previous conviction and a live motoring 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.

During the meeting, the Police Officer in attendance from Durham Constabulary disclosed to the Committee that the driver had been arrested on 3rd December 2021, on suspicion of possession with intent to supply a Class A drug, namely cocaine, and that following a search warrant being executed at the driver's property a large quantity of money and bagged drugs

were found in a safe in the driver's bedroom. The Committee was informed that the driver was released under investigation and that this matter had recently been passed to the Crown Prosecution Service for a charging decision to be made.

It was noted that the driver did not disclose this pending matter to the Licensing Team at the time of making his application, and nor did the driver advise the Members of the Committee about this ongoing investigation. Members were only made aware of this information as the Police Officer in attendance divulged it to the Committee. When questioned, the driver offered no explanation for these events.

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

After careful consideration Members decided to refuse the application as they did not consider the driver to be "fit and proper", and decided not to grant the driver a Private Hire Driver Licence. The Members made this decision under section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

Members made this decision as they felt that the driver had been dishonest in failing to disclose details of an ongoing serious criminal investigation involving himself, both to the Licensing Team and to the Committee.

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

Ref: 03/24

To give consideration to the grant of a Private Hire Drivers Licence application 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; Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976; and Section 52 of the Road Safety Act 2006.

After careful consideration, Members did consider the driver to be "fit and proper" and decided to grant the driver a Private Hire Driver Licence. In doing so, Members noted that the vast majority of offences on the driver's record were extremely old; that the driver's last custodial sentence was completed in 1997; that the driver had notably matured and turned his life around since the offences had been committed; and that the driver had shown

remorse and was apologetic for that behaviour. Members decided that a warning as to future conduct should also be issued due to the driver's extensive criminal record and two offences of speeding in 2021.

RESOLVED - That the application for a Private Hire Driver Licence be granted, with a warning as to future conduct.

Ref: 04/24

To give consideration to the grant of a Private Hire Drivers Licence application in light of a concern raised about the driver's behaviour during the application process.

Members were informed that the driver had indicated that he would not be in attendance at this meeting and that the driver had contacted the Assistant Licensing Manager during the previous afternoon to request a further adjournment to proceedings. Members concluded that a further adjournment was not required and that a decision could be made in the driver's absence.

Members subsequently heard that the driver had displayed conduct that was unbecoming of a taxi driver and demonstrated inappropriate behaviour towards Council Officers, which was supported by accounts in the report submitted to the Committee.

After careful consideration, the Members of the Committee did not consider the driver to be "fit and proper" and decided not to grant the driver a Private Hire Driver Licence. Members made this decision under section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

Members made this decision as they felt that the driver had displayed conduct that was unbecoming of a taxi driver.

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