

## **GENERAL LICENSING SUB COMMITTEE**

Tuesday, 5 March 2019

**PRESENT** – Councillors , K Nicholson, B Jones, Kane, Nutt and Newall

**ALSO IN ATTENDANCE** – Councillor Crumbie (Cabinet Member with Community Safety Portfolio)

**OFFICERS IN ATTENDANCE** – Amy Wennington (Principal Lawyer (Litigation)), Graham Hall (Head of Community Safety), Brian Murray (Licensing Officer), Allison Hill (Democratic Officer), Hannah Fay (Democratic Officer), Sgt C Dickenson and Colin Dobson (Licensing Manager)

### **LGS13 ELECTION OF CHAIR**

**RESOLVED** – That Councillor Nutt be elected Chair the purpose of this meeting.

### **LGS14 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at this meeting.

### **LGS15 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 the 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.

### **LGS16 PRIVATE HIRE DRIVER LICENCE APPLICATIONS FOR GRANT AND REVIEW OF A HACKNEY CARRIAGE DRIVER LICENCE (EXCLUSION PARAGRAPHS 1 AND 7)**

The Director Economic Growth and Neighbourhood Services submitted a report (previously circulated) to give consideration to an application for the grant of a Private Hire Driver Licence in light of previous convictions; and a review of a Hackney Carriage Driver Licence in light of non-compliance with statutory requirements.

**Ref 1/19** – To consider the grant of a Private Hire Driver Licence in light of previous convictions and a previous refusal of licence by this General Licensing Sub Committee on 1 March 2016.

The driver attended the meeting and responded to Members 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.

Members also heard from Durham Constabulary about a speeding offence the driver had committed in July 2018.

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 1975.

After careful consideration Members decided to grant the Licence, although Members did express their concern about the driver's past behaviour but noted that the driver had appeared to have turned their life around.

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

**Ref 2/19** – To consider a review of a Hackney Carriage Driver Licence in light of using a vehicle to ply for hire without a licence being issued from this authority.

The driver attended the meeting and responded to Members 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 62(1) of the Local Government (Miscellaneous Provisions) Act 1975.

After careful consideration Members decided to permit the driver to retain their licence, however they were unimpressed by the conduct of the driver and urged them to be more organised in the future.

**RESOLVED** – That the Licence be retained and the driver be issued with a final 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 and it was unlikely that they would be permitted to retain their Licence.