

GENERAL LICENSING SUB COMMITTEE

Tuesday, 16 July 2019

PRESENT – Councillors Clarke, Donoghue, Dulston, K Nicholson and Snedker

OFFICERS IN ATTENDANCE – Bethany Symonds (Lawyer), Graham Hall (Head of Community Safety), Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), Ruth Taylor (Licensing Enforcement Officer), Carol Glasper (Designated Officer), Allison Hill (Democratic Officer), Mandy McAllister (PCSO) and Jordan Ord (Architectural Liaison Officer)

LGS5 ELECTION OF CHAIR

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

LGS6 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS7 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.

LGS8 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES (EXCLUSION PARAGRAPHS 1 AND 7)

The Director of Economic Growth submitted a report (previously circulated) to give consideration to a review of a Hackney Carriage Driver Licence in light of a referral from the Local Authority Designated Officer and two applications for the grant of Private Hire Driver Licences in light of previous convictions.

Ref 07/19 – To consider the review of a Hackney Carriage Driver Licence in light of a referral from the Local Authority Designated Officer and the subsequent suspension of the licence in light of a pending investigation by Durham Constabulary.

The driver did not attend the meeting. Members considered appropriate action they may wish to take.

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 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 confirm the suspension of the Hackney Carriage Driver Licence in the interests of public safety.

RESOLVED – That the suspension of the Hackney Carriage Driver Licence be confirmed pending outcome of the police investigations, under the provisions of Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Ref 08/19 – To consider the grant of a Private Hire Driver Licence in light of a previous conviction.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were 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)(1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to grant the licence and depart from the Council's Policy for an applicant to be free from conviction following the restoration of their licence for five years as after listening to what the driver had to say, they felt that despite the two incidents in 2013 they were still a 'fit and proper' person to hold such a licence.

RESOLVED – That the licence be granted with a warning in respect of future conduct and the driver be warned that if any further convictions, cautions, warnings or reprimands are received they would be referred immediately to the General Licensing Sub Committee for review of their licence and that this may result in the licence being revoked.

Ref. 09/19 – To consider the grant of a Private Hire Driver Licence in light of previous convictions and a previous revocation of a Private Hire Driver Licence by this Licensing Committee.

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)(1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to refuse the application as Members could not be assured that the applicant was a fit and proper person to hold such a licence before a licence is granted. Members also felt uncomfortable that the driver's

criminal record was extensive with a pattern of violent behaviour dating back to 1980 and still evident in 2015; that the driver felt that some of the offences were partially his wife's responsibility and that he did not appear to accept personal responsibility for their own actions; and they had already been in front of this Committee on two previous occasions when their licence had been revoked.

Members are able to depart from the Council's policy that an applicant will usually be expected to remain conviction free for five years before a licence can be granted however in this case they were not satisfied that there was a strong reasons to do so.

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