

**NORTHUMBERLAND COUNTY COUNCIL**

**LICENSING AND REGULATORY SUB-COMMITTEE**

At a meeting of the **Licensing and Regulatory Sub-Committee** held in **Committee Room 2, County Hall, Morpeth, NE61 2EF** on **Monday, 30 October 2017** at **10.00 a.m.**

**PRESENT**

Councillor J I Hutchinson  
(in the Chair)

**MEMBERS**

B Crosby  
R Gibson (Reserve)

K Stow

**OFFICERS**

H Bowers  
H Gebbie  
T Hardy  
N Masson

Democratic Services Officer  
Senior Licensing Officer  
Licensing Manager  
Principal Solicitor, Regulation

**1. ELECTION OF CHAIR**

**RESOLVED** that Councillor Ian Hutchinson be elected as Chair for the duration of the meeting.

**2. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:-**

- (a) that under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the Agenda as they involved the likely discussion of exempt information as defined in Part 1 of the Schedule 12(A) of the 1972 Act, and  
(b) that the public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:-

Agenda Item 4, Paragraph 1 of Part 1 of Schedule 12A

"information relating to any individual."

## **PART II**

### **3. REPORT OF THE CHIEF FIRE OFFICER**

#### **Case 30/10/17/369**

The licence holder was in attendance.

The Licensing Manager introduced the report and explained that an issue had arisen as to whether the licence holder's suitability to continue to hold a private hire driver's licence.

A DVD was shown to all those present.

The sub-committee were asked to consider the DVD and witness statement along with the written and oral report of the Licensing Manager and relevant law and guidance policy to determine whether or not the licence holder was a fit and proper person to retain such a licence.

The licence holder submitted his case in support of the licence being retained and answered questions from the sub-committee.

Members of the sub-committee remained in the meeting to deliberate and make their decision and all others, except the legal advisor left the room.

After 18 minutes the meeting was reconvened in order that further questions could be asked of the licence holder. The meeting was then again adjourned and Members of the sub-committee and solicitor remained in the meeting to deliberate and make their decision.

When all were asked to return to the meeting the Chair read out a statement on behalf of the sub-committee:

The sub-committee have considered all written and verbal representations made on behalf of the Licensing Officer of the Council and on behalf of the licence holder and have determined to take no further action with regards to your licence.

Reasons:

1. You have no previous record of the alleged type of behaviour
2. The sub-committee consider it may be a one off incident
3. The sub-committee do not consider it proportionate to revoke your licence for an argument
4. The sub-committee were concerned with:
  - The aggressive nature of your behaviour and

- Your admission as to committing an offence but have accepted your explanation and the mitigating factor that you were provoked to a small degree.

### **Case 30/10/17/367**

The licence holder was in attendance.

The Licensing Manager introduced the report and explained that an application had been received which officers were unable to deal with under delegated powers.

The applicant was asked to confirm his address.

The sub-committee was asked to consider the application and the applicant's representations along with the written and oral report of the Licensing Manager, DBS and relevant law and guidance policy to determine whether or not the applicant was a fit and proper person to hold such a licence. It was stated that the burden of proof rested upon the applicant and the standard of proof rested upon the civil standard of proof.

The licence holder submitted his case in support of his application and then answered questions from the sub-committee.

Members of the sub-committee remained in the meeting to deliberate and make their decision and all others, except the legal advisor left the room.

When all were asked to return to the meeting the Chair read out a statement on behalf of the sub-committee:

The sub-committee have considered all written and verbal representations made on behalf of the Licensing Officer of the Council and on behalf of the licence holder and have determined to **GRANT** your application for a Private Hire and Hackney Carriage driver's licence.

Reasons:

1. Convictions 1 - 3 on your DBS record are all outside of the guidance period for refusing a licence
2. The convictions all received a relatively minor penalty, and so those convictions were given relatively little weight
3. The caution for possessing an offensive weapon is within the 3 year guidance period, which is of concern **but** the police did not prosecute indicating it was a minor offence and so that has been given very little weight
4. Your references have allayed our concerns that you have a violent temperament

The sub-committee therefore consider that you are a fit and proper person to hold a licence as you have satisfied them that there is little chance of passengers being at risk.

**Case 30/10/17/368**

The licence holder was not in attendance.

**RESOLVED** The matter was adjourned for further information

**Case No. 30/10/17/370**

The licence holder was not in attendance.

The Licensing Manager introduced the report and explained that the licence holder was the proprietor of a Hackney Carriage licence which was transferred from a previous owner.

She informed the sub-committee that the licence holder had been invited twice to make an appointment but had not engaged with the Licensing Department.

**RESOLVED** that the licence be revoked. The licence holder had been given the opportunity to produce the records requested and had not complied with the Licensing Department and had failed to demonstrate that the intended use of the vehicle would be predominantly within the area of which it was licensed.

Reasons:

1. On the balance of probabilities there was evidence that the licence holder was operating outside the zone which concerned the sub-committee.
2. Despite endeavours from the Licensing Department requesting information, the licence holder has been uncooperative.

And that this behaviour falls short of the behaviour expected from a licence holder and so the sub-committee consider that the licence holder is not a fit and proper person to hold a Hackney Carriage Licence

**CHAIR** \_\_\_\_\_

**DATE** \_\_\_\_\_