

NORTHUMBERLAND COUNTY COUNCIL

LICENSING AND REGULATORY SUB-COMMITTEE

At a meeting of the **Licensing and Regulatory Sub-Committee** held in **Committee Room 1, County Hall, Morpeth, NE61 2EF** on **Monday, 13 November 2017** at **10.00 a.m.**

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

T Cessford
K Parry (Reserve)

W Pattison

OFFICERS

H Bowers
L Findlay
T Hardy

Democratic Services Officer
Solicitor, Regulation
Licensing Manager

ALSO PRESENT

David Grenfell
David Wilson

Licensing Officer
a2z Licensing

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 BUSINESS COMPLIANCE AND PUBLIC SAFETY UNIT MANAGER

Case 13/11/17/371

The licence holder was in attendance with his representative.

The Licensing Manager introduced the report and explained the details of the investigation that had been carried out into the complaint which officers were unable to deal with under delegated powers.

The sub-committee was asked to consider the witness statements, the written and oral report of the Licensing Manager and relevant law and guidance to determine whether or not the licence holder was a fit and proper person to hold such a licence. It was stated that the burden of proof rested upon the Licensing Manager and the standard of proof rested upon the civil standard of proof.

Mr Wilson presented the applicant's case and spoke in support of the licence being granted. The applicant then spoke 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 legal advisor 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 that the applicant was not a fit and proper person and accordingly, the licence should be **REFUSED** in accordance with section 59(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

Reasons:

- The repeated failure to comply with regulatory requirements of a licensed driver

- The explanations and suggestions for future solutions were not sufficient to allay the sub-committee's concerns about the applicant being a poor record keeper
- The applicant accepted he was a poor record keeper
- Hackney carriage driver's licence were not restricted to airport use - if the sub-committee granted a licence, it would not just be for use at airport and the applicant could use it to ply for hire within the zone
- There would be many occasions when the Licensing Department may have cause to write to the applicant or seek further information and nothing that had been said was sufficient to allay the sub-committee's concerns that the applicant would not respond to any such requests.

CHAIR _____

DATE _____