

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 **Tuesday, 9 January 2018** at **10.00 a.m.**

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

B Crosby
T Cessford

M Richards (Reserve)

OFFICERS

H Bowers
V Fox
T Hardy
N Masson

Democratic Services Officer
Licensing Officer
Licensing Manager
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 BUSINESS COMPLIANCE AND PUBLIC SAFETY UNIT MANAGER

Case 09/01/18/376

The licence holder was in attendance together with his wife.

The Licensing Manager introduced the report and explained that an issue had arisen associated with the applicant's suitability to continue to hold a private hire driver's licence, a hackney carriage driver's licence, a private hire operators licence and a private hire vehicle licence.

The Sub-Committee were advised that they could:-

1. Suspend or revoke the hackney carriage driver's licence or take no further action;
2. Suspend or revoke the private hire driver's licence or take no further action;
3. Suspend or revoke the private hire vehicle licence or take no further action;
4. Suspend or revoke the private hire operators licence or take no further action;

The licence holder provided additional information which was circulated to Members.

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 and relevant law and guidance policy to determine whether or not the applicant was a fit and proper person to hold such licences.

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 of the representations before them and have determined to take no further action with regards to your licences.

Reason:

The Sub-Committee believe that an honest mistake was made and it would be disproportionate to revoke the licences.

Case No. 09/01/18/375

The licence holder was in attendance.

The licence holder was asked to confirm his address.

The Licensing Manager informed the Sub-Committee that an issue had arisen with the licence holder's suitability to continue to hold a hackney carriage driver's licence and a hackney carriage vehicle licence.

The Sub-Committee were advised that they could suspend or revoke the hackney carriage vehicle licence or take no further action.

The Licensing Manager introduced the report and explained that an issue had arisen associated with the driver's suitability to continue to hold a Hackney Carriage driver's licence and a Hackney Carriage vehicle licence.

The licence holder submitted his case in support of his suitability to continue to hold his licence and then answered questions from the Sub-Committee.

The Sub-Committee was asked to consider the report and all supporting written and verbal submissions and relevant law and guidance to determine whether or not the licence holder was a fit and proper person to hold the current Hackney Carriage driver's licence and Hackney Carriage vehicle licence should it be renewed.

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 representations before them and have determined to **REVOKE** the hackney carriage driver's licence but will take no further action in respect of the vehicle licence.

Reasons:-

1. The licence holder was aware that the vehicle had failed its MoT and was unroadworthy

2. The licence holder then drove the vehicle for 316 miles thereby putting the safety of other road users at risk
3. The behaviour falls well below expected of a taxi driver and therefore the Sub-Committee consider the licence holder not to be a fit and proper person to hold a hackney carriage driver's licence
4. Otherwise the Sub-Committee is satisfied that the vehicle is now MoT'd and roadworthy and take no further action in respect of the vehicle licence.

The licence holder had the right to appeal within 21 days.

Case No. 09/01/18/374

The licence holder was in attendance.

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 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 of the representations before them and have determined to **GRANT** your application for a Private Hire drivers licence.

Reason:

1. The offence was committed over seven years ago and is now spent;
2. It is the only offence on record and it may have been a one-off;
3. Therefore, the Sub-Committee consider that there is little chance of the applicant re-offending and are a fit and proper person to hold a licence.

CHAIR _____

DATE _____