

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 **Thursday, 29 June 2017** at **10:00 am**

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

B Crosby (Reserve)	K Parry
R Gibson	
(Reserve for case no. 29/06/17/365)	

OFFICERS

H Bowers	Democratic Services Officer
T Hardy	Licensing Manager
N Masson	Principal Solicitor, Regulation

1. MEMBERSHIP AND TERMS OF REFERENCE

The membership and terms of reference of the Licensing and Regulatory Committee as agreed by full Council on 24 May 2017 were reported for information.

RESOLVED that the information be noted.

2. ELECTION OF CHAIR

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

3. 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

4. REPORTS OF THE CHIEF FIRE OFFICER

Case 29/06/17/365

As the applicant was in attendance with a representative.

The Licensing Manager introduced the report and advised members that the applicant had submitted an application for the renewal of a hackney carriage and private hire driver's licence which officers were unable to deal with under delegated powers.

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 applicant presented his case and spoke in support of his application. He 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 your representations and those made on your behalf and those of the Licensing Officer and have decided to take no further action in respect of your licence.

Despite your conviction and our concerns about your honesty in failing to report the accident, the panel consider that this may be a one-off incident and consider you to still be a fit and proper person hold hold a licence.

The sub-committee consider that due to the age of the offences and information relating to the applicant since he last offended, there is little risk of re-offending when being granted a licence.

Case 29/06/17/361

The applicant was in attendance.

The Licensing Manager introduced the report and advised members that the applicant had submitted an application for a private hire driver's licence which officers were unable to deal with under delegated powers.

The applicant confirmed his current 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, the 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 applicant presented his case and spoke in support of his application. He 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 representations by you and the Licensing Officer and have determined to decided to **GRANT** your application for a private hire driver's licence.

The reasons for the decision are that due to the age of the offences, the Sub-Committee consider that you are unlikely to offend again and are a fit and proper person to hold a licence.

Case No. 29/06/17/362

The applicant was in attendance.

The Licensing Manager introduced the report and advised members that the applicant had submitted an application for the renewal of a private hire and hackney carriage driver's licence which officers were unable to deal with under delegated powers.

The applicant confirmed his current 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 applicant presented his case and spoke in support of his application. He 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 representations made by you and the Licensing Officer and have decided to **GRANT** your application for the renewal of a private hire and hackney carriage driver's licence.

The reason for this is due to the age of the offence and relatively minor nature of the offence the Sub-Committee consider there to be little chance of you re-offending.

Case No. 29/06/17/363

The applicant was not in attendance and the Sub-Committee determined to **ADJOURN** the application in order to allow a further opportunity for the applicant to attend a future Licensing and Regulatory sub-committee.

Case No. 29/06/17/364

The applicant was not in attendance.

The sub-committee have considered in your absence the information provided by the Licensing Officer and have determined to **REVOKE** your private hire operator's licence.

The reason for the decision is the serious nature of offences which directly relate to the operation of your licence. Such behaviour falls well below the standard required and is recent in nature.

CHAIR

DATE