

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 Friday, 8 September 2017 at 10.00 a.m.**

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

R Gibson
K Parry (Reserve)

W Pattison

OFFICERS

H Gebbie
T Hardy
N Masson
N Turnbull

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

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 08/09/2017/366

The licence holder was in attendance with his solicitor.

The complainant was in attendance with a family member.

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 statement and impact statements along with the written and oral report of the Licensing Manager, relevant law and guidance policy to determine whether or not the licence holder was a fit and proper person to retain such a licence. It was stated that the burden of proof rested upon the Licensing Manager and the standard of proof was the civil standard of proof.

The licence holder's solicitor also presented their case and spoke in support of the licence being retained. 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 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 licence holder should retain his hackney carriage driver's licence as they considered that he is a fit and proper person to hold a licence.

Reasons:

- In coming to this decision the sub-committee have had to consider two conflicting versions of events.
- The sub-committee have given little weight to the instagram photographs produced by the licence holder.
- The sub-committee have given weight to the fact that the taxi passed close to the complainant's home and that there were opportunities to leave the taxi or alert others.

- The sub-committee have not been satisfied that on the balance of probabilities the allegations about the driver's conduct have been proved to the required standard due to the weight given to the opportunities to leave the taxi or raise an alert, which creates doubt about the allegations, and for this reason the sub-committee were not satisfied that on the balance of probabilities this conduct occurred.

For this reason the sub-committee consider that the licence holder is a fit and proper person to hold a licence.

CHAIR _____

DATE _____