

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, 5 December 2017** at **10.00 a.m.**

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

B Crosby
R Gibson

K Nisbet (Reserve)

OFFICERS

H Bowers
H Gebbie
T Hardy
N Masson

Democratic Services Officer
Senior Licensing Officer
Licensing Manager
Solicitor, Regulation

ALSO PRESENT

David Wilson, 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 05/12/17/368

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 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 Hackney Carriage drivers licence.

Reasons:

- 1) The offence disclosed is not directly relevant to driving passengers;
- 2) The offence is 4 years old and you have explained that you are now more responsible;
- 3) The Sub-Committee do not consider that your accident has any weight in their considerations.

Case No. 05/12/17/372

The licence holder was in attendance with his representative, who requested that the meeting be adjourned pending a Court hearing.

The Licensing Manager stated that a number of preliminary matters needed to be considered before the Sub-Committee could determine the matter.

A short adjournment took place whilst Members of the Sub-Committee took advice from the Legal Advisor.

The meeting reconvened and the Legal Advisor informed everyone present that the Sub-Committee would determine the renewal application as they considered they had enough information to determine the applications without adjourning.

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's representative presented the applicant's case and spoke in support of the licence being granted. The applicant also spoke in support of his application and 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:

Vehicle Licence

The Sub-Committee after giving careful consideration to all representations have determined to **REFUSE** to renew the Hackney Carriage vehicle licence.

Reasons:

- 1) There has been a breach of the Intended Use declaration on the application form. The Sub-Committee did not accept the driver's explanation as it was clear from the interview that he initially started working in Blyth. The Sub-Committee therefore consider that there have been a deliberate breach of

the terms of the licence, on the balance of probabilities and on this basis the licence shall not be renewed.

Driver's Licence

The Panel after giving careful consideration to all representations have determined to refuse to renew the Hackney Carriage driver's licence.

Reasons:

- 1) The ply for hire offence is considered to be so serious as to cause the Sub-Committee to conclude that this is behaviour that falls significantly below that expected from a licence holder and on the balance of probabilities the Sub-Committee consider that the licence holder is not a fit and proper person to hold a licence.
- 2) The Licensing Policy states that a period of 3 years should elapse before a licence is granted. This does not bind the Sub-Committee but does support their determination that the licence holder is not a fit and proper person.

Application to adjourn

The Sub-Committee determined that as the no insurance offence only results from the use of the vehicle in contravention of the licence, then there is no need to adjourn to await the result of the application to re-hear the offence.

The Sub-Committee have not considered the no insurance offence in making their determination as the offence of ply for hire was considered serious on its own and the no insurance is ancillary to this.

The applicant had the Right to Appeal within 21 days.

Case No. 05/12/1/373

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 Hackney Carriage drivers licence.

Reason:

The reason for this decision is that since your licence was initially revoked, you have been granted licences by Licensing Authorities and there is no indication of any other offences or behaviour which would give the Sub-Committee cause for concern.

CHAIR _____

DATE _____