

**NORTHUMBERLAND COUNTY COUNCIL**

**LICENSING AND REGULATORY SUB-COMMITTEE**

At a meeting of the **Licensing and Regulatory Sub-Committee held in the Chairman's Dining Room, County Hall, Morpeth, NE61 2EF on Thursday, 31 May 2018 at 10.00 a.m.**

**PRESENT**

Councillor J I Hutchinson  
(in the Chair)

**MEMBERS**

T Cessford	I Hutchinson
B Crosby (Reserve)	W Pattison

**OFFICERS**

M Bulman	Solicitor, Regulation
V Fox	Licensing Officer
T Hardy	Licensing Manager
K Norris	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 BUSINESS COMPLIANCE & PUBLIC SAFETY UNIT MANAGER

#### Case 31.05.18/384

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

The applicant was present and confirmed his address.

The Sub Committee was asked to consider the report and the applicant's representations along with the written and oral submissions 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.

Members listened to a 10 minute recording of an incident which had taken place involving the applicant.

The applicant then answered questions put forward by members and it was stated that it was up to the applicant to prove he was a fit and proper person to hold the licence.

The licence holder submitted his case and provided references and further information in support of his application to renew his licence.

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 declared that the Sub Committee had considered all representations before it and had determined to **REVOKE** the private hire driver's licence as it no longer felt that he was a fit and proper person to hold a licence.

The Solicitor then read out the reasons for the decision.

#### Summary of Reasons:

- 1) The applicant had failed to declare a pending prosecution on his application form despite being required to do so. He had also been previously reported for offences when attending a police station a few weeks earlier.
- 2) He had informed the Sub Committee of illnesses and medication which he had failed to declare on his application form despite being required to

do so. That was despite the fact that he had signed a declaration on the application form stating that the information he had provided was true and that he may be prosecuted for providing false information and may have any licence issued revoked. The Sub Committee felt that he had a disregard to the information he had provided to the Council and was not convinced by his explanation that it was an oversight. Members had also noted that his medical report, prepared by a GP, had not disclosed all of the medical conditions he had declared to the Sub Committee, including matters which may affect his driving.

- 3) The Sub Committee had taken into account that he had been convicted for an offence, details of which were provided. Whilst the Sub Committee had heard his version of events it felt it was a serious incident and showed poor judgement in the circumstances as a fit and proper person should have shown self restraint. The Sub Committee had taken into account the Council's guidelines in respect of considering convictions which stated that three years should elapse after such a conviction before an application was entertained. Whilst it was not a new application, the same public safety principles applied and the Sub Committee saw no reason to depart from that guidance when considering his case.
- 4) The Sub Committee also took into account the references provided during the hearing but did not feel that they outweighed the above matters.

The applicant had the right to appeal within 21 days.

**Case No. 31.05.18/382**

The applicant was not in attendance and had requested that the application be deferred.

**RESOLVED** members agreed that the applicant be invited to attend a Licensing & Regulatory Sub Committee on 11 June 2018.

**CHAIR** \_\_\_\_\_

**DATE** \_\_\_\_\_