

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 Monday, 11 June 2018 at 10.00 a.m.**

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

T Cessford
B Crosby

I Hutchinson
W Pattison (Reserve)

OFFICERS

T Hardy
N Masson
L M Bennett

Licensing Manager
Solicitor, Regulation
Senior 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 11.06.18/382

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 and a private hire operator's licence.

The licence holder and his wife were present.

The Sub Committee was asked to consider the report and the licence holder'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 licence holder was a fit and proper person to hold these licences.

The licence holder submitted his case in support of his application to hold these licences.

The licence holder then answered questions put forward by Members and the Licensing Manager.

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

- (1) **TAKE NO ACTION** in relation to the applicant's driver's licence
- (2) **REFUSE TO RENEW** the private hire operator's licence as it was no longer felt that he was a fit and proper person to hold a licence.

The Solicitor then read out the reasons for the decisions.

Summary of Reasons:

- (1) There was no cause for concern in respect of the licence holder's driving.
- (2) This was the second breach of the licence holder's conditions within a year.
- (3) Previously, no action was taken after the first instance upon licence holder's assurance that he had procedures in place to prevent this happening again.

- (4) The licence holder had not made adequate checks to ensure that his drivers held the appropriate licences.
- (5) Because of these findings, the Sub-Committee had concluded that it was not satisfied, on the balance of probabilities, that there would not be further breaches of his conditions and concluded that the licence holder was not a fit and proper person to hold a private hire operator's licence.
- (6) The Sub-Committee viewed these matters very seriously and had taken into account proportionality in making its decision.

The applicant had the right to appeal within 21 days.

CHAIR _____

DATE _____