

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 **Thursday 19 July 2018** at **10.00 am**.

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

T Cessford (Reserve - part)
B Crosby

K Stow (Reserve - part)

OFFICERS

H Bowers
T Hardy
N Masson

Democratic Services Officer
Licensing Manager
Solicitor, Regulation

1. ELECTION OF CHAIR

RESOLVED that Councillor 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 HEAD OF PUBLIC PROTECTION

Case No. 19/07/18/385

The Licensing Manager introduced the report and explained that an application had been received for a private hire driver's licence 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 declared on behalf of the sub committee:

The sub committee have considered all representations before them and have determined to **GRANT** the private hire driver's licence.

Reasons:

- 1) The offence was committed nearly 3 years ago and therefore it was close to the period recommended in the guidance that the applicant should be free from conviction.
- 2) The sub committee noted that the complaints were made around three years ago.
- 3) The attempts at rehabilitation had satisfied the sub committee that enough time had elapsed since the applicant was refused a renewal of his licence by Newcastle City Council not to pose a risk to passengers.
- 4) The caution offence was the only matter recorded on the applicant's criminal record.

For these reasons the sub committee considered that the applicant was a fit and proper person to hold a licence.

Case No. 19/07/18/383

The Licensing Manager introduced the report and explained that an application had been received for a private hire and hackney carriage driver's licence 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 declared on behalf of the sub committee:

The sub committee have considered all representations before them and have determined to **GRANT** the private hire and hackney carriage driver's licence.

Reasons:

- 1) Three years had elapsed since the last conviction which was outside the period stated in the guidance that the applicant should remain free from conviction.
- 2) Taking into account the 12 month suspended sentence, this would be within 3 years, however the lenient sentence suggests the offence had no aggravating factors.
- 3) The offence from 2009 was too old to be taken into consideration.

For these reasons the sub committee considered that there was little risk of the applicant re-offending or causing a risk to passengers and determined that the applicant was a fit and proper person to hold a licence.

Case No. 19/07/18/384

The applicant was not in attendance.

The Licensing Manager informed the sub committee that an issue had arisen associated with the proprietor of a hackney carriage vehicle licence and for the sub committee to determine whether or not the current hackney carriage vehicle licence should be suspended or revoked.

It was the proprietor's responsibility to ensure that their licensed vehicle was roadworthy and fit for hire at all times and it was the Policy of Northumberland County Council that all vehicles which were five years old and over to have a recorded mileage in excess of 200,00 would be subject to an annual interim mechanical examination and vehicles that were eight years or older would be subject to two interim mechanical inspections each year.

Since 8 January 2016 the vehicle was required to have 4 monthly tests as the vehicle was then over 8 years old.

Reminder letters regarding interim vehicle tests had been sent to the proprietor and to date no attempt had been made to contact the licensing department, nor made any attempt to have the vehicle presented for testing.

RESOLVED Members agreed that the hackney carriage vehicle licence be revoked as the applicant had failed to follow Council Policy and provide evidence that the vehicle had been tested and inspected. The reason for the policy was to ensure higher risk vehicles continued to be fit to be used as a hackney carriage. The Committee were not satisfied that vehicle was fit to be a hackney carriage.

CHAIR _____

DATE _____