

**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 **Thursday, 16 August 2018** at **10.00 am**.

**PRESENT**

Councillor J I Hutchinson  
(in the Chair)

**MEMBERS**

T Cessford  
W Pattison

K Stow

**OFFICERS**

M Bulman  
T Hardy  
K Norris

Solicitor, Regulation  
Licensing Manager  
Democratic Services Officer

**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

**(Councillor W Pattison was reserve member for this application)**

**Case No. 16.08.18/387**

The Chair welcomed the licence holder and his friend (an accountant and former solicitor). Introductions were made and the Chair explained the procedure to be followed.

The licence holder was asked to confirm his address.

The Licensing Manager summarised the report and explained that an issue had arisen associated with the licence holder's suitability to continue to hold a private hire driver's licence, a hackney carriage driver's licence and a private hire operator's licence which officers were unable to deal with under delegated powers.

The sub committee was asked to consider all relevant written and verbal submissions made by, or on behalf of, the licence holder. Background information was provided and it was stated that the licence holder wished to inform the sub committee of improvements he had made to ensure this issue did not arise again.

The licence holder submitted his case, his friend spoke in his support and they answered questions from the panel.

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, subject to systems having been put in place to ensure the issue did not arise again, had determined that the licences could be maintained and that:

- (1) **NO FURTHER ACTION** be taken in relation to the licence holder's hackney carriage driver's licence;
- (2) **NO FURTHER ACTION** be taken in relation to the licence holder's private hire driver's licence;
- (3) **NO FURTHER ACTION** be taken in relation to the licence holder's private hire operator's Licence

**Case No. 16.08.18/389**

**(Councillor T Cessford was reserve member for this application)**

The Chair welcomed the applicant, introductions were made and the Chair explained the procedure to be followed.

The applicant was asked to confirm his address.

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 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 applicant confirmed that he had not received any additional endorsements since submitting his application.

The Licensing Manager referred to a number of convictions shown on the applicant's Enhanced DBS which the sub committee should consider.

The applicant 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 that the sub committee had considered all representations before it and had determined to **DEFER** the decision for the following reasons:

- 1) To obtain further information in respect of medical issues;
- 2) to obtain further information from the Police regarding the applicant's excess alcohol convictions, dangerous driving convictions and driving offences for which he had received a custodial sentence.

**Case No. 16.08.18/386**

**(Councillor K Stow was reserve member for this application)**

The Chair welcomed the applicant, introductions were made and the Chair explained the procedure to be followed.

The applicant was asked to confirm his address.

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 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 applicant confirmed that he did not have any pending prosecutions and had not received any additional endorsements since submitting his application.

The Licensing Manager referred to convictions shown on the applicant's Enhanced DBS which the sub committee should consider.

The applicant 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 that the sub committee had considered all representations before it and had determined to **GRANT** the applicant a private hire driver's licence.

**Reasons:**

- 1) Outside of guidelines re convictions;
- 2) isolated convictions within a few months of each other over 6 years ago.

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

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