

**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, 20 September 2018 at 10.00 am.**

**PRESENT**

Councillor J I Hutchinson  
(in the Chair)

**MEMBERS**

T Cessford  
K Parry

K Stow

**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**

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

**Case No. 16.08.18/388**

The Chair welcomed the licence holder and barrister (David Carmichael). Introductions were made and the Chair explained the procedure to be followed.

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.

The licence holder's representative submitted the case, with additional information submitted by the licence holder and they answered questions from the panel.

Background information was provided by the licence holder's representative.

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 made and the material provided, and had decided to take no action in respect of any of the licences.

Reason:

The sub committee accept the licence holder's explanation and still considered that he was a fit and proper person to hold a licence and that there was no reasonable cause to revoke or suspend the licence.

**Case No. 20.09.18/390**

**(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 Licensing Manager referred to the conviction 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 and the material and guidance in the agenda papers and had determined to **GRANT** the application for a private hire and hackney carriage driver's licence as they considered that the applicant was a fit and proper person to hold a licence.

**Case No. 20.09.18/392**

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

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

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 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 she 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 her case in support of her 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 made and had determined to **GRANT** the application for a private hire and hackney carriage driver's licence.

**Reason:**

The conviction was outside of the guidance period for refusal and there were no other circumstances to suggest that the applicant was not a fit and proper person to hold a licence.

**Case No. 20.09.18/391**

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

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

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 Licensing Manager referred to the appendices in the report.

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 of the representations made and information in

the agenda papers and had determined to **REFUSE** the application for a private hire driver's licence.

**Reasons:**

1. The sub committee had taken into account the grounds for revoking the licence in 2016 and still considered those relevant.
2. The sub committee considered that the incident in 2016 was of the utmost seriousness which endangered other road users.
3. Because of the seriousness of the circumstances the sub committee had used the guideline for drink/drugs offences whilst driving of 3 years free from conviction and in this matter consider that the applicant is within this timeframe.
4. Because of the serious nature of the incident the sub committee were not satisfied that you are a fit and proper person to hold a licence.

The applicant had the right to appeal within 21 days of written notification of the decision.

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

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