

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 **Tuesday, 25 September 2018** at **2:00 pm**.

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

T Cessford
R Gibson (Reserve)

K Stow

OFFICERS

T Hardy
N Masson
K Norris

Licensing Manager
Solicitor, Regulation
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

Case No. 16.08.18/388

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. She provided background information stating that the matter had previously been listed for consideration by the sub committee on 16 August 2018. The sub committee had agreed to adjourn the hearing for officers to obtain further information in relation to medical issues raised and to obtain further information from the Police about the circumstances of the applicant's convictions. This information had now been received and did not concur with that provided by the applicant.

The applicant had committed an offence by submitting false information. This hearing would consider whether he had knowingly or unknowingly done so and his behaviour during the process to determine if he was a fit and proper person to be a taxi driver.

The applicant then submitted his case and 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 had determined to **GRANT** the application for a private hire driver's licence.

Reasons:

The sub committee was concerned about the inaccuracy of the information put forward by the applicant at the previous hearing, however, it had no evidence to prove that it was deliberate and the applicant had shown, on the balance of probabilities, that it may have been a genuine mistake and therefore considered that he was a fit and proper person to hold a licence.

Case No. 20.09.18/390

The applicant was not in attendance.

The Licensing Manager stated that an issue had arisen associated with the applicant's suitability to continue to hold a hackney carriage driver's licence.

The sub committee was asked to consider the application and all written representations along with the 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 continue to hold such a licence.

The Licensing Manager provided background information and stated that the applicant had refused to attend the hearing or to undertake a medical examination. As the applicant currently held a licence, the onus was on officers to provide evidence that he no longer met the medical criteria and the options for the sub committee were either to suspend or revoke the applicant's licence or to take no further action.

The panel asked questions to which the Licensing Manager responded and legal advice was provided by the Solicitor.

After considering all of the information before it, the sub committee determined to **REVOKE** the hackney carriage licence of the applicant.

Summary of Reasons:

1. The evidence of the allegations was viewed as serious and was behaviour falling below the standards expected of a licence holder.
2. Information had been received which caused concern that the applicant did not meet the required DVLA group 2 medical standards. The sub committee had no information as to whether the illnesses stated were controlled.

The information provided was sufficient for the sub committee to conclude that the information was true on the balance of probabilities and that the applicant was therefore not 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 _____