

**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, 01 November 2018 at 10.00 am.**

**PRESENT**

Councillor J I Hutchinson  
(in the Chair)

**MEMBERS**

T Cessford  
R Gibson

I Hutchinson  
M Richards (Reserve)

**OFFICERS**

H Bowers  
M Bulman  
T Hardy

Democratic Services Officer  
Solicitor, Regulation  
Licensing Manager

**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. 01.11.18/393

The Chair welcomed the licence holder. Introductions were made and the Chair explained the procedure to be followed.

The applicant 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 hold 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.

A short adjournment took place and all others except the legal advisor left the room whilst Members considered the applicant's Enhanced DBS.

On the reconvening of the meeting, 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.

All returned to the meeting, except the applicant (who was informed of the decision by the Licensing Officer afterwards) and 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.

Summary of Reasons:

- 1) The sub-committee has taken into account the applicant's long history of violent and disorderly behaviour with the last set of convictions being 4 February 2015. The sub-committee has taken into account their guidelines which state that a licence will not normally be granted if an applicant has more than one conviction in the last ten years for an offence of a violent nature. The sub-committee sees no reason to depart from this guideline.

- 2) The sub-committee note that the applicant had a conviction in 1999 for driving with excess alcohol and a conviction in 2003 for driving whilst unfit through drugs for which the applicant was disqualified on both occasions. The sub-committee considered the guidelines which state that a licence will not be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs. The sub-committee again saw no reason to depart from this guideline.
- 3) The sub-committee has a duty to protect members of the public in which their safety is entrusted and must ensure that drivers are safe drivers with good driving records, that they are responsible and be persons who would not abuse or assault others and do not believe that you are a fit and proper person.

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

#### **Case No. 01.11.18/394**

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 renewal of 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 read out a statement on behalf of the sub committee:

The sub-committee has considered all representations and the material and guidance in the agenda papers and and has determined to **GRANT** the

renewal for a private hire driver's licence as they considered that the applicant was a fit and proper person to hold a licence.

Reasons:

The sub-committee has determined that you are a fit and proper person and has agreed that you renew your private hire driver's licence.

Whilst the sub-committee has considered their guideline in respect of no insurance which states that an applicant should be three years free of conviction for an offence of no insurance, the sub-committee felt that there is reason to depart from the guideline given your explanation for the offence of no insurance.

**Case No. 01.11.18/395**

The applicant surrendered the licence and therefore the application was withdrawn.

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

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