

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, 25 July 2019** at **2.00 pm**.

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

T Cessford (Reserve for Case No. 406)
B Crosby

J Lang (Reserve for Case Nos.
399, 404, 405)

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 BUSINESS COMPLIANCE AND PUBLIC SAFETY UNIT MANAGER

Case No. 25.07.19/405

Introductions were made and the Chair explained the procedure to be followed.

The applicant was asked to confirm his name and address.

The Licensing Manager informed members that an application had been received which officers were unable to deal with under delegated powers.

The applicant had received a conviction in 1994 for assault and actual bodily harm and sentenced to a Community Services Order for 100 hours.

References were supplied by the applicant which were circulated to members.

The applicant submitted his case in support of his application and then answered questions from the sub committee.

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.

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 and the Chair declared that the sub committee had considered all representation before it and had determined to **GRANT** the application. The applicant was reminded to disclose everything in the future.

Reason:

The convictions were outside of the policy period.

Case No. 25.07.19/399

The applicant did not attend.

The sub committee determined to adjourn the application to the next committee for further clarification from the police and the court as to how the matter had been disposed of.

Case No. 25.07.19/404

The applicant did not attend.

The Licensing Manager introduced the report and informed members 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 had submitted his application in October 2018 with all the relevant documents. However, the applicant had failed to complete the compulsory Child and Adult Sexual Abuse (CASE) training session as required by the Council and in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy. The applicant had been written to on several occasions of the requirement to complete the training and had failed to respond.

The sub-committee determined to **REFUSE** the application.

Reason:

Committee has determined your applications for a private hire driver's licence and a hackney carriage driver's licence and refuses to grant those licences as you have failed to complete the compulsory Child and Adult Sexual Exploitation (CASE) training as required by the Council and in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy. The Council wrote to you on the 22 October 2018 and the 22 January 2019 to inform you of the requirement to complete the training and you have failed to respond to any correspondence and failed to attend the committee hearing in respect of your applications, showing a disregard for the licensing process.

Case No. 25.07.19/406

The applicant did not attend.

The Licensing Manager introduced the report and informed members that an issue had arisen with the applicant's suitability to continue to hold a hackney carriage and private hire driver's licence.

All hackney carriage and private hire drivers who were licensed for 2 or 3 years were required to maintain registration of the online update service of the Disclosure and Barring Service (DBS) and must also provide an annual online DVLA activation code to ascertain the suitability and entitlement of maintaining a licence.

The applicant had failed to provide the Authority with the above details.

The sub committee determined to **REVOKE** the applicant's licence with immediate effect.

Reason:

The sub committee has revoked your hackney carriage driver's licence on the grounds of public safety. You have failed to provide the Licensing Authority with your DVLA code required to carry out the requisite annual check of your DVLA licence. Your last check was due on 7 July 2018 and the Licensing Authority has contacted you by either letter or email on at least 7 occasions requesting that you provide your DVLA code to which you have not responded. As the Licensing Authority cannot verify your DVLA licence status it cannot on the grounds of public safety allow you to continue to hold a hackney carriage driver's licence.

CHAIR _____

DATE _____