

NORTHUMBERLAND COUNTY COUNCIL

LICENSING AND REGULATORY SUB-COMMITTEE

At a meeting of the **Licensing and Regulatory Sub-Committee** held in **Committee Room 1, County Hall, Morpeth, NE61 2EF** on **Thursday, 29 August 2019** at **10.00am**

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

T Cessford
(Reserve for 409 & 410)
W Pattison
(Reserve for 407 & 408)

K Stow

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. 29.08.19/407

The applicant was in attendance.

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

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

An issue had arisen with the applicant's suitability to continue to hold a hackney carriage driver's licence, a hackney carriage vehicle licence and a private hire driver's licence.

On 4 July 2019, Licensing Officers had received an email from Newcastle City Council legal services confirming that the applicant had been convicted for plying for hire, no insurance at Newcastle Magistrates Court in March 2019. The Licensing Manager referred to Appendix E - Intended Use Form which had been completed by the applicant.

A letter from the applicant with his version of events was circulated to the Subcommittee for their consideration.

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

The Subcommittee 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 Subcommittee 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 Subcommittee had considered all representation before it and had determined to **REVOKE** the applicant's licence.

Summary of Reasons:

The Subcommittee is concerned that you are primarily carrying out private hire work for a private hire operator licensed outside of the county when you are

licensed as a Blyth Valley hackney carriage. You completed and signed an Intended Use of hackney carriage form in which you stated that you intended to use your vehicle for plying for hire predominantly or entirely in the relevant hackney carriage licensing zone and that the vehicle was not to be used for pre-booked hirings other than a contract for hire with a private hire operator licensed by Northumberland County Council. However, not only did you inform the Subcommittee that you were predominantly using the vehicle for private hire work outside of Northumberland County Council, but that you had been working for the private hire operator since 2014, therefore the information you provided on the application form is false.

You were convicted of offences of plying for hire and no insurance for which you were given 6 penalty points. The Subcommittee considered their guidance in respect of convictions, which states that in both offences, a licence should not normally be granted unless a person has been free of conviction for a period of 3 years. The Subcommittee has taken the guidelines into account and sees no reason to depart from them in the circumstances. The Subcommittee takes offences of no insurance very seriously and must protect members of the travelling public in respect of their safety.

Case No. 29.08.19/408

The applicant was in attendance.

The Licensing Manager introduced the report and informed members that an application had been received which officers were unable to deal with under delegated powers for private hire and hackney carriage driver's licence.

The Subcommittee 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 was the civil standard of proof.

A Disclosure and Barring certificate was circulated to the Subcommittee.

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

The Subcommittee 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 Subcommittee remained in the meeting to deliberate and make their decision and all others, except the legal advisor, left the room.

The Subcommittee determined to **REFUSE** the application.

Summary of Reasons:

The Subcommittee notes that you have numerous previous convictions, mainly relating to driving offences from 2004 to 2017 and in particular your recent convictions between 2015 and 2017 for disqualification for totting up whilst disqualified and two offences of no insurance.

The Subcommittee has taken into account their guidelines in respect of offences of no insurance which states that a licence will not normally be granted if an applicant has more than one conviction for an insurance related offence. You have 10 convictions for no insurance committed over a long period of time with your last offence only occurring in 2017. Therefore, the Subcommittee sees no reason to depart from the guidelines.

Case No. 29.08.19/409

The applicant was in attendance.

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

The Subcommittee 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 Disclosure and Barring certificate was circulated to the Subcommittee.

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

The Subcommittee 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 Subcommittee remained in the meeting to deliberate and make their decision and all others, except the legal advisor, left the room.

The Subcommittee determined to **GRANT** the licence.

Case No. 29.08.19/410

The applicant was not in attendance.

The Licensing Manager explained that the applicant had requested an exemption to his current licence in respect of his executive chauffeur work. The applicant had an existing exemption in place in relation to weddings and no problems had arisen in relation to that exemption.

The Subcommittee determined to **GRANT** the application.

CHAIR _____

DATE _____