

NORTHUMBERLAND COUNTY COUNCIL
LICENSING AND REGULATORY SUB COMMITTEE

At the meeting of the **Licensing and Regulatory Sub Committee** held at Committee Room 1, County Hall, Morpeth, NE61 2EF on Thursday, 1 July 2021 at 10:00 am.

PRESENT

I Hutchinson (in the Chair)

MEMBERS

T Cessford
C Seymour

K Parry

OFFICERS

H Bowers
M Bulman
T Hardy

Democratic Services Officer
Solicitor
Licensing Manager

ALSO IN ATTENDANCE

S Cochrane

Licensing Co-ordinator, Northumbria Police

1 APPOINTMENT OF CHAIR FOR THE MEETING

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."

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3 **REPORTS OF THE HEAD OF HOUSING AND PUBLIC PROTECTION**

Case No. 01.07.21/420

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.

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.

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

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 **REFUSE** the applicant's licence as they considered that the applicant was not a fit and proper person to hold a licence.

Reasons:

Due to your personal inappropriate conduct shortly before a road traffic accident where you consumed a can of cider and had used cannabis within a very short period of time of driving your Hackney Carriage vehicle.

The Subcommittee have taken into account that you have not been charged with any offence arising from the road traffic incident, that the police investigation regarding the same is closed and the police have previously informed the Council that you were treated as a witness in respect of the incident.

The Subcommittee have taken into account that you have previously held a Hackney Carriage Drivers Licence from 2009 until revocation of your previous licence.

The police have previously informed the Council that you told officers at the scene of the incident that you had consumed cannabis within two hours of driving and a can of cider within one hour of driving your Hackney Carriage vehicle.

You informed police officer that you were on your way to do a 'job' and the Subcommittee that you were not intending to work that night but had agreed to pick up a friend who contacted you. You stated prior to driving that you had some

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friends around your house for a social gathering/takeaway and that you smoked a cigarette but did not realise until later that it had contained cannabis.

The Subcommittee does not feel that your actions on the evening of the incident were those of a responsible licensed driver and were of poor judgement and believes that your actions are a cause of concern in respect of public safety and therefore do not deem you to be a fit and proper person to hold a licence.

CHAIR.....

DATE.....

Ch.'s Initials.....