

NORTHUMBERLAND COUNTY COUNCIL
LICENSING AND REGULATORY SUBCOMMITTEE

At a meeting of the **Licensing and Regulatory Subcommittee** held in **Committee Room 1, County Hall, Morpeth, NE61 2EF** on **Thursday, 17 March 2022** at **10.00 am**

PRESENT

Councillor T Cessford
(in the Chair)

MEMBERS

J Beynon

C Hardy

OFFICERS

D Bambury
H Bowers
H Tait

Lawyer, Legal Services
Democratic Services Officer
Senior Licensing Officer

ALSO IN ATTENDANCE

Applicants and Representative

1. ELECTION OF CHAIR

RESOLVED that Councillor Cessford 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

Ch.'s Initials.....

(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. REPORTS OF THE HEAD OF HOUSING & PUBLIC PROTECTION

Case No. 17.03.22/434

The applicant was in attendance with a representative.

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

The Senior Licensing Officer 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 Senior Licensing Officer 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 in this case was the civil standard of proof.

After considering the report and all written and verbal representations from the officers, applicant and the applicant's representative, Members of the Subcommittee remained in the meeting to discuss their decision and all others except the legal advisor left during those deliberations.

When all were asked to return to the meeting the Chair read out the following decision on behalf of the Subcommittee:-

The Subcommittee has determined to **GRANT** your private hire driver's licence and deem you to be a fit and proper person.

However, in line with Council policy, that as you have convictions for violence, the Subcommittee must give you a warning both verbally and in writing and will send a follow up written warning in line with the policy.

The Councils policy is that a licence will not be granted if an applicant has more than one conviction in the last ten years for an offence of a violent nature. The Subcommittee warned that any further convictions would be taken seriously and may constitute a review of your licence, and to be mindful that all future convictions must be disclosed.

Case No. 03.02.22/433

The applicant was in attendance.

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

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

Elected members were asked to consider the report and all supporting written and verbal submissions to determine whether or not the applicant was entitled to retain his licence.

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

After considering the report and all written and verbal representations from the officer and the applicant, Members of the Subcommittee remained in the meeting to discuss their decision and all others except the legal advisor left during those deliberations.

When all were asked to return to the meeting the Chair read out the following decision on behalf of the Subcommittee:-

The Subcommittee has determined to **GRANT** your hackney carriage driver's licence and take no further action in respect of your current licenses.

However, in line with Council policy, the offence you are convicted of falls within the category of violence and the Subcommittee must give you both a verbal and written warning as they are granting a new license.

The Council's policy is that a licence will not be granted if a proposed driver has been convicted of a racially aggravated offence within 5 years.

Any further convictions would be taken seriously especially if they were of a racially aggravated nature and the Council could not condone such behaviour. Further convictions or conduct of this nature may constitute a review of your licences. All future convictions must be disclosed.

CHAIR _____

DATE _____