

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, 23 September 2021 at 10.00 am**

PRESENT

Councillor J I Hutchinson
(in the Chair)

MEMBERS

J Beynon (Reserve)
T Cessford

C Humphrey

OFFICERS

H Bowers
M Bulman
H Gebbie

Democratic Services Officer
Lawyer, Legal Services
Senior Licensing Officer

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."

Ch.'s Initials.....

PART II

3. REPORT OF THE HEAD OF HOUSING & PUBLIC PROTECTION

Case No. 23.09.21/431

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 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 was the civil standard of proof.

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

Members of the Subcommittee and legal adviser retired to make their decision:-

The committee has refused your application for a Hackney Carriage Drivers Licence and do not consider you to be a fit and proper person.

Summary of Reasons:

- 1) The committee is concerned that you have a history of driving convictions and incidents where your judgement and actions have fallen short of that of a fit and proper person.
- 2) You have convictions for two motoring offences in 2014 where reference is given to the number of points accumulated and the nature of a careless driving offence when a vehicle was hit when both were travelling at speed. You did not declare these two convictions on your current application form and informed the committee that they were not on your DVLA report and you did not think you had to disclose them.
- 3) In 2016 you were involved in a road traffic incident whereby on your account you had taken a legal high.

- 4) The Subcommittee note that you also have a further road traffic conviction recorded against you for an offence of failing to give information as to the identity of a driver.
- 5) The committee has taken into account that you have a pattern of road traffic incidents and do not deem you to be a safe driver with a good driving record.

CHAIR _____

DATE _____