



Area General Licensing and Registration Sub-Committee (North Durham)

Date **Wednesday 2 February 2011**
Time **10.00 am**
Venue **Council Chamber - Council Offices, Chester-le-Street**

Business

Part A

1. Minutes of the meeting held on 15 December 2010 (Pages 1 - 4)
(copy attached)
2. Declarations of Interest, if any
3. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
4. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

5. Application for the continuation of Hackney Carriage and Private Hire Driver's Licences (Pages 5 - 12)
(copy attached)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
25 January 2011

To: **The Members of the Area General Licensing and Registration
Sub-Committee (North Durham)**

Councillor J Shiell (Chair)
Councillor

Councillors D Barnett, J Blakey, D A Marshall, P May, O Temple,
L Thomson and A Wright

Contact: David Walker
Tel 0191 372 7657

Email: david.walker@durham.gov.uk

DURHAM COUNTY COUNCIL

**AREA GENERAL LICENSING AND REGISTRATION SUB COMMITTEE
(NORTH DURHAM)**

**AT A MEETING of the AREA GENERAL LICENSING AND REGISTRATION
SUB COMMITTEE (NORTH DURHAM) held at the COUNCIL CHAMBER,
CIVIC CENTRE, CHESTER-LE-STREET on WEDNESDAY 15 DECEMBER
2010 at 2.00pm**

PRESENT

COUNCILLOR J SHIELL in the Chair

Members of the Committee:

Councillors J Blakey, D Marshall (items A1-B5 only), M Plews (items B6-B7 only), O Temple and A Wright

Apologies for absence were received from Councillors Barnett, May and Thomson

Officers

Sarah Grigor (Solicitor)
Helen Johnson (Licensing Team Leader (North))
Garry Keay (Licensing Team Leader (South and West))
David Walker (Committee Services Officer)

Sgt Tim Robson (Durham Constabulary)

**A1 Minutes of Meetings held on 16 September and 22 September
2010**

The minutes of the meeting held on 3 November 2010 were confirmed as a correct record and signed by the Chair.

A2 Declarations of Interest

Councillor D Marshall declared a personal and prejudicial interest in Item 6 on the agenda (minute B6) as the applicant's representative was personally known to him and left the meeting during consideration of the item.

A3 Such Other Business

The Chair asked whether there was any other business to be considered during the public part of the meeting. No additional items or matters were raised.

A4 Exclusion of the Public

Resolved:

That under Section 100 A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 5 of Schedule 12A to the said Act.

Note: *With the agreement of the Sub-Committee the order of business was amended and Agenda Item nos. 5 and 7 were reversed.*

B5 Application for the Grant of a Hackney Carriage Driver's Licence – Report of the Director of Neighbourhood Services (Agenda Item No. 7)

The Chair welcomed the Applicant and his representative to the meeting and introductions were made.

Consideration was given to the Report of the Corporate Director, Neighbourhood Services regarding an application for the grant of a Hackney Carriage, a copy of which had been circulated.

The Applicant then presented his case and responded to questions from Members of the Sub-Committee. Copies of references in support of the Applicant were passed to members of the Sub-Committee.

Members of the Sub-Committee left to deliberate in private at 2.45 pm.

After reconvening at 3.00pm, the Chair delivered the Sub-Committee's decision.

Resolved:

That the Applicant was a fit and proper person to hold a licence and that the application be granted.

Note: *Councillor M Plews entered and Councillor D Marshall left the meeting at this point.*

B6 Application for the Continuation of a Hackney Carriage Driver's Licence – Report of the Director of Neighbourhood Services (Agenda Item No. 6)

The Chair welcomed the Licence Holder to the meeting and introductions were made. The Licence Holder was accompanied by his employer.

Consideration was given to the Report of the Corporate Director, Neighbourhood Services regarding an application for the continuation of a Hackney Carriage Driver's Licence, a copy of which had been circulated.

Representations were heard from Durham Constabulary, and the Licence Holder's representative responded to the issues raised.

The Licence Holder then presented his case, assisted by his representative and responded to questions from Members of the Sub-Committee.

Members of the Sub-Committee left to deliberate in private at 3.20 pm.

After reconvening at 3.40pm, the Chair delivered the Sub-Committee's decision.

Resolved:

That the application be granted, with the licence to be suspended until 30 March 2012. This suspension is to be suspended until that date and the Applicant is to be brought back before the Sub-Committee if a further offence were to happen during this time.

B7 Application for the Continuation of a Joint Hackney Carriage/ Private Hire Driver's Licence – Report of the Director of Neighbourhood Services (Agenda Item No. 5)

The Licensing Team Leader (North) reminded the Sub-Committee that this Applicant had been invited to attend the meeting held on 3 November 2010, but had failed to do so. The Sub-Committee on that occasion instructed that the application be deferred to the next meeting and that the Applicant be informed by letter which was to be sent recorded delivery.

The Licensing Team Leader confirmed that such a letter had been sent and also advised that she had spoken to the Applicant by telephone on 14 December 2010 when he had indicated that he intended to be in present. She had again spoken to him by telephone on 15 December 2010 prior to his application being considered by the Sub-Committee, however he was not in attendance at the time of the meeting. He had been informed that the Sub-Committee may determine the application in his absence if he did not attend on this occasion.

Resolved:

That as the Applicant had been given the opportunity to make representations to the Sub-Committee on two separate occasions and had failed to do so despite being aware that his application was to be considered, the application be determined in the Applicant's absence.

Consideration was given to the Report of the Corporate Director, Neighbourhood Services regarding an application for the continuation of a

Joint Hackney Carriage/Private Hire Driver's Licence, a copy of which had been circulated.

Representations were heard from Durham Constabulary.

Members of the Sub-Committee left to deliberate in private at 3.55 pm.

After reconvening at 4.10 pm, the Chair delivered the Sub-Committee's decision.

Resolved:

That the application be refused and the Applicant's licence be revoked as the Sub-Committee did not consider that the Applicant was a fit and proper person to hold a licence.

CHAIR

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank