



General Licensing and Registration Sub-Committee (2)

Date **Wednesday 5 October 2016**
Time **10.00 am**
Venue **Council Chamber, County Hall, Durham**

Business

Part A

1. Apologies for Absence.
2. Substitutes.
3. Minutes of the meeting held on 19, 20 and 22 July 2016 (Pages 1 - 12)
4. Declarations of Interest (if any).
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.
6. 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)

7. Application for the Ongoing Suitability of a Hackney Carriage Driver (Pages 13 - 34)
8. Application for the Ongoing Suitability of a Hackney Carriage Driver (Pages 35 - 58)
9. Application for the Ongoing Suitability of a Hackney Carriage Driver (Pages 59 - 106)
10. 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

27 September 2016

To: **The Members of the General Licensing and Registration Sub-Committee (2)**

Councillor C Carr (Chairman)

Councillors D Bell, D Hicks, A Surtees and A Willis

Contact: Paula Nicholson

Tel: 03000 269710

DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Sub-Committee (2)** held in Council Chamber, County Hall, Durham on **Tuesday 19 July 2016 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors C Hampson, J Hart, I Jewell and B Kellett

Also Present:

S Buston – Legal Officer

H Johnson – Licensing Team Leader

H Anderson – Licensing Enforcement Officer

I Dargue – Licensing Enforcement Officer

PCSO Haigh – Durham Constabulary

1 Apologies for Absence

There were no apologies for absence.

2 Substitutes

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 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 they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 5 of Part 1 of Schedule 12A of the Act.

5 Application for the Ongoing Suitability of a Hackney Carriage Driver

The Chairman welcomed the Licence Holder to the meeting and introductions were made.

The Licence Holder requested an adjournment of the hearing as his recently appointed Solicitor had not had an opportunity to examine the DVD evidence produced, and was unable to attend the hearing.

Resolved:

That the application be deferred to a future meeting.

6 Application for the Ongoing Suitability of a Hackney Carriage and Private Hire Driver

The Chairman welcomed the Licence Holder, his Solicitor and supporter to the meeting and introductions were made.

Consideration was given to the report of the Interim Corporate Director Neighbourhood Services which requested the Committee to consider and determine the ongoing suitability of the Licence Holder to continue to be licensed as a Hackney Carriage and Private Hire Driver (for copy see file of Minutes).

The Licensing Enforcement Officer presented the enforcement report and responded to questions from Members and the Licence Holder's Solicitor.

A witness was called by the Enforcement Officer who outlined the incidents referred to in the report and responded to questions from Members of the Sub-Committee, the Licence Holder's Solicitor and the PCSO.

The Police representative provided Members with background information in respect of the matters referred to in the report, and to the incident referred to by the Licence Holder's Solicitor in his questioning of the witness. The Police representative then responded to questions.

At this point the Licence Holder, his Solicitor and supporter addressed the Sub-Committee in relation to the matters raised and responded to questions.

The Sub-Committee retired to deliberate the application in private at 12.16pm. After re-convening at 12.26pm the Chairman delivered the Sub-Committee's decision.

Resolved:

That the Licence Holder's Hackney Carriage and Private Hire Driver Licence be revoked as he was not considered to be a fit and proper person.

7 Application for the Ongoing Suitability of a Hackney Carriage Driver

The Chairman welcomed the Licence Holder to the meeting and introductions were made.

Consideration was given to the report of the Interim Corporate Director Neighbourhood Services which requested the Sub-Committee to consider and

determine the suitability of the Licence Holder to continue to be licensed as a Hackney Carriage Driver (for copy see file of Minutes).

The Licensing Enforcement Officer presented the enforcement report and responded to questions.

A representative from Durham Constabulary was in attendance and provided Members with details of motoring offences.

The Licence Holder addressed the Sub-Committee and responded to questions.

The Sub-Committee retired to deliberate the application in private at 12.49pm. After re-convening at 12.55pm the Chairman delivered the Sub-Committee's decision.

Resolved:

That the Licence Holder be issued with a written warning for a 12 month period.

At this point the Sub-Committee adjourned and re-convened at 1.15pm.

8 Application for the Ongoing Suitability of a Hackney Carriage Driver

The Chairman welcomed the Licence Holder to the meeting and introductions were made.

Consideration was given to the report of the Interim Corporate Director Neighbourhood Services which requested the Sub-Committee to consider and determine the suitability of the Licence Holder to continue to be licensed as a Hackney Carriage Driver (for copy see file of Minutes).

The Licensing Enforcement Officer presented the enforcement report and responded to questions.

A representative from Durham Constabulary was in attendance and provided Members with background information in respect of the matters detailed in the report. The Officer also advised of two further incidents in relation to the Licence Holder. It was not possible to verify the last motoring offence.

The Licence Holder addressed the Sub-Committee and responded to questions.

At 1.54pm the Sub-Committee retired to deliberate the application in private. After re-convening at 2.00pm the Chairman delivered the Sub-Committee's decision.

Resolved:

That the Licence Holder's Hackney Carriage Driver Licence be revoked as he was not considered to be a fit and proper person.

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DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Sub-Committee (2)** held in Council Chamber, County Hall, Durham on **Wednesday 20 July 2016 at 2.00 pm**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors J Blakey, J Maitland, T Nearney and D Stoker

Also Present:

K Coulson-Patel (Legal Officer)
M Hamilton (Trainee Solicitor)
H Johnson (Licensing Team Leader)
L Cloney (Licensing Enforcement Team Leader)
R Young (Licensing Enforcement Officer)
Sgt M Urwin (Durham Constabulary)

1 Apologies for Absence

There were no apologies for absence.

2 Substitutes

There were no substitute members.

3 Minutes

The minutes of the meeting held on 8 June 2016 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest

Councillor T Nearney declared an interest in Agenda Item No. 7 and withdrew from the meeting during consideration thereof.

5 Exclusion of the Public

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

Councillor T Nearney, withdrew from the meeting

6 Application for the Ongoing Suitability of a Hackney Carriage and Private Hire Driver

The Chairman welcomed the Licence Holder to the meeting and introductions were made.

Consideration was given to the report of the Corporate Director, Neighbourhood Services which requested the Sub-Committee to consider and determine the ongoing suitability of the Licence Holder to continue to be licensed as a Hackney Carriage and Private Hire Driver (for copy see file of minutes).

The Licensing Team Leader provided Members with copies of references that the Licence Holder had provided and had been verified.

Durham Constabulary were in attendance and provided Members with details of any information held on their records and Police National Computer. Members and the Licence Holder were given the opportunity to ask questions.

The Licence Holder addressed the Sub-Committee and responded to questions.

The Sub-Committee retired to deliberate the application in private at 2.20 pm. After re-convening at 2.25 pm the Chairman delivered the Sub-Committee's decision.

Resolved: That the Licence Holder be issued with a verbal warning.

The meeting adjourned at 2.30 pm and re-convened at 2.45 pm

Councillor T Nearney, joined the meeting

Councillor J Blakey, left the meeting

7 Application for the Ongoing Suitability of a Hackney Carriage Driver

The Chairman welcomed the Licence Holder to the meeting and introductions were made.

Consideration was given to the report of the Corporate Director, Neighbourhood Services which requested the Sub-Committee to consider and determine the ongoing suitability of the Licence Holder to continue to be licensed as a Hackney Carriage Driver (for copy see file of minutes).

The Licensing Enforcement Officer addressed the Sub-Committee with regard to the matters detailed in the report. Members and the Licence Holder were invited to ask questions of the Officer.

Durham Constabulary were in attendance and provided Members with details of any information held on their records and Police National Computer. Members and the Licence Holder were given the opportunity to ask questions.

The witness joined the meeting and asked for a statement which she had prepared to be read out. The witness then left the meeting.

The meeting adjourned at 3.15 pm to enable Members to seek legal advice from the Solicitor. The meeting re-convened at 3.25 pm.

The Licence Holder was given the opportunity to ask questions, he then addressed the Sub-Committee and responded to questions.

The Sub-Committee retired to deliberate the application in private at 4.05 pm. After re-convening at 4.10 pm the Chairman delivered the Sub-Committee's decision.

Resolved: (i) That the suspension remain in place.

(ii) That the matter be brought back in front of the Sub-Committee once the Licence Holder had provided medical evidence to satisfy fitness to drive at group 2 standards.

M Hamilton, Trainee Solicitor left the meeting

H Johnson, Licensing Team Leader withdrew from the meeting during consideration of the following application

8 Application for the Ongoing Suitability of a Hackney Carriage Driver

Members agreed to consider the application in the absence of the Licence Holder as the application had already been deferred twice.

Consideration was given to the report of the Corporate Director, Neighbourhood Services which requested the Sub-Committee to consider and determine the ongoing suitability of the Licence Holder to continue to be licensed as a Hackney Carriage Driver (for copy see file of minutes).

Durham Constabulary were in attendance and provided Members with details of any information held on their records and Police National Computer. Members were given the opportunity to ask questions.

The Sub-Committee retired to deliberate the application in private at 4.25 pm. After re-convening at 4.35 pm the Chairman delivered the Sub-Committee's decision.

Resolved: That the Licence Holders Hackney Carriage Driver Licence be revoked.

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DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Sub-Committee (2)** held in Council Chamber, County Hall, Durham on **Friday 22 July 2016 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors O Gunn, J Maitland, P May and A Willis

Also Present:

C Hazell – Solicitor

H Johnson – Licensing Team Leader

N Stoker – Licensing Enforcement Officer

R Young – Licensing Enforcement Officer

Sgt M Urwin – Durham Constabulary

1 Apologies for Absence.

There were no apologies for absence.

2 Substitutes.

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 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 they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 5 of Schedule 12A to the said Act.

5 Application for the Ongoing Suitability of a Hackney Carriage Driver

The Chairman welcomed the Licence Holder and his Solicitor to the meeting and introductions were made.

Consideration was given to the report of the Interim Corporate Director Neighbourhood Services which requested the Sub-Committee to consider and determine the suitability of the Licence Holder to continue to be licensed as a Hackney Carriage Driver (for copy see file of Minutes).

Members were informed by the Licensing Team Leader that three character references had been submitted by the Licence Holder, although it had not been possible to verify one of the statements. Copies of the documents were provided to Members.

The Licensing Enforcement Officer presented the enforcement report and responded to questions from Members and the Licence Holder's Solicitor.

A representative from Durham Constabulary was in attendance and provided Members with background information in respect of the matters detailed in the report and also gave details of other previous convictions. Members, the Licence Holder and his Solicitor were given the opportunity to ask questions.

The meeting adjourned for ten minutes to allow the Licence Holder to speak to his Solicitor.

After re-convening the Licence Holder and his Solicitor addressed the Sub-Committee and responded to questions.

The Sub-Committee retired to deliberate the application in private at 10.57am. After re-convening at 11.05am the Chairman delivered the Sub-Committee's decision.

Resolved:

That the Licence Holder be issued with a written warning for a 12 month period.

6 Application for the Ongoing Suitability of a Hackney Carriage and Private Hire Driver

The Chairman welcomed the Licence Holder and his supporter to the meeting and introductions were made.

Consideration was given to the report of the Interim Corporate Director Neighbourhood Services which requested the Sub-Committee to consider and determine the suitability of the Licence Holder to continue to be licensed as a Hackney Carriage and Private Hire Driver (for copy see file of Minutes).

The Licensing Team Leader reported that the Licence Holder had submitted a statement and a character reference. Both documents had been verified and were provided to Members.

The Licensing Enforcement Officer presented the enforcement report.

A representative from the Police was in attendance and provided Members with background information in respect of the matter detailed in the report and provided details of a motoring offence.

Members and the Licence Holder were given the opportunity to ask questions of the Officers.

The Licence Holder addressed the Sub-Committee and responded to questions.

The Sub-Committee retired to deliberate the application in private at 11.37am. After re-convening at 11.41am the Chairman delivered the Sub-Committee's decision.

Resolved:

That no action be taken as the Licence Holder was considered to be a fit and proper person to hold a Hackney Carriage and Private Hire Driver Licence.

7 Application for the Ongoing Suitability of a Hackney Carriage Driver

The Chairman welcomed the Licence Holder and his representative to the meeting and introductions were made.

Consideration was given to the report of the Interim Corporate Director Neighbourhood Services which requested the Sub-Committee to consider and determine the suitability of the Licence Holder to continue to be licensed as a Hackney Carriage Driver (for copy see file of Minutes).

The Licensing Team Leader reported of an amendment to page 103 of the papers and informed Members that the Licence Holder had submitted 32 references, of which 2 had been verified. Copies of the documents were provided to Members.

The Licensing Enforcement Officer presented the enforcement report and responded to questions.

A representative from Durham Constabulary was in attendance and provided Members with background information in respect of the matters detailed in the report. The Officer also advised of a further incident held on Police records and gave details of a motoring offence.

The Licence Holder and his representative were invited to address the Sub-Committee and responded to questions.

The Sub-Committee retired to deliberate the application in private at 1.11pm. After re-convening at 1.22pm the Chairman delivered the Sub-Committee's decision.

Resolved:

That the Licence Holder be issued with a written warning for a 6 month period.

8 Application for the Ongoing Suitability of a Hackney Carriage and Private Hire Driver

The Chairman welcomed the Licence Holder to the meeting and introductions were made.

Consideration was given to the report of the Interim Corporate Director Neighbourhood Services which requested the Sub-Committee to consider and determine the suitability of the Licence Holder to continue to be licensed as a Hackney Carriage and Private Hire Driver (for copy see file of Minutes).

The Licensing Team Leader informed Members that the Licence Holder had submitted a statement and a character reference which had been verified. Copies of the documents were provided to Members.

The Licensing Enforcement Officer presented the enforcement report and invited a witness to confirm that the matter detailed in the report had now been resolved.

A representative from Durham Constabulary was in attendance and confirmed that there were no other convictions and gave details of a motoring offence.

Members and the Licence Holder were given the opportunity to ask questions of the Officers.

The Licence Holder addressed the Committee and responded to questions.

The Sub-Committee retired to deliberate the application in private at 1.38pm. After reconvening at 1.41pm the Chairman delivered the Sub-Committee's decision.

Resolved:

That no action be taken as the Licence Holder was considered to be a fit and proper person to hold a Hackney Carriage and Private Hire Driver Licence.

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