



General Licensing and Registration Sub-Committee (3)

Date **Wednesday 4 October 2017**
Time **10.00 am**
Venue **Council Chamber, County Hall, Durham**

Business

Part A

**Items during which the Press and Public are welcome to attend.
Members of the Public can ask questions with the Chairman's
agreement.**

1. Apologies for Absence
2. Substitute Members
3. Declarations of interest, if any
4. Minutes of the meetings held on 18 and 19 July 2017 (Pages 3 - 10)
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 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 11 - 34)
8. Application for the Ongoing Suitability of a Private Hire Driver (Pages 35 - 54)
9. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
26 September 2017

To: **The Members of the General Licensing and Registration Sub-Committee (3)**

Councillor P Crathorne (Chairman)

Councillors A Batey, S Durham, T Tucker and A Willis

Contact: Paula Nicholson

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DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Sub-Committee (3)** held in Council Chamber, County Hall, Durham on **Tuesday 18 July 2017 at 10.00 am**

Present:

Councillor P Crathorne (Chairman)

Members of the Committee:

Councillors P Atkinson, J Blakey, D Brown and C Hampson

Also Present:

S Buston (Solicitor)

H Johnson (Licensing Team Leader)

N Anderson (Licensing Enforcement Officer)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

There were no declarations of interest.

4 Exclusion of the Public

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 Private Hire Driver

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

The Committee considered the report of the Corporate Director Adults and Health Services which requested Members to determine the suitability of the Licence Holder to continue to be licensed as a Private Hire Driver (for copy of report, see file of minutes).

Durham Constabulary were unable to attend the meeting but had provided a written statement containing any information held on their records and Police National Computer.

The Licensing Enforcement Officer presented the enforcement report. Members and the Licence Holder were given the opportunity to ask questions.

The Licence Holder was invited to address the Sub-Committee and respond to questions.

Members were advised that 2 character references had been received one of which had been verified. The Council's Solicitor read out the references.

All parties were invited to sum up then the Sub-Committee retired to deliberate the application in private at 10.25 am. After re-convening at 10.30 am 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 Driver

That consideration of the application be deferred.

7 Application for the Ongoing Suitability of a Hackney Carriage Driver

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

The Committee considered the report of the Corporate Director Adults and Health Services which requested Members to determine the suitability of the Licence Holder to continue to be licensed as a Hackney Carriage Driver (for copy of report, see file of minutes).

Durham Constabulary were unable to attend the meeting but had provided a written statement containing any information held on their records and Police National Computer.

The Licensing Enforcement Officer presented the enforcement report and played the telephone conversation to Members. Members and the Licence Holder were given the opportunity to ask questions.

The Licence Holder was invited to address the Sub-Committee and respond to questions.

All parties were invited to sum up then the Sub-Committee retired to deliberate the application in private at 11.20 am. After re-convening at 11.30 am the Chairman delivered the Sub-Committee's decision.

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

8 Application for the Ongoing Suitability of a Hackney Carriage Proprietor

Item withdrawn

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DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Sub-Committee (3)** held in Committee Room 2, County Hall, Durham on **Wednesday 19 July 2017 at 1.30 pm**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors A Batey, M Clarke, K Liddell and D Stoker

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 7 June 2017 were agreed as a correct record and were signed by the Chair.

5 Exclusion of the Public

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

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

The Committee considered a report of the Licensing Team Leader which requested Members to determine the ongoing suitability of the Licence Holder to continue to be licensed as a Hackney Carriage Driver (for copy see file of Minutes).

Members were informed that the Licence Holder had stated that he would not attend the Sub-Committee.

The Licensing Enforcement Officer presented the enforcement report, and Members were given the opportunity to ask questions of the Officer.

Durham Constabulary were not in attendance but had provided a statement which gave details of any previous convictions held on their records and the Police National Computer.

The Solicitor to the hearing provided Members with an update on the court proceedings in relation to the incident detailed in the report.

At this point the complainant was invited into the meeting to give her account of the incident and responded to questions from Members.

The Sub-Committee retired to consider the ongoing suitability of the Licence Holder in private at 1.45pm. After re-convening at 1.55pm the Chair delivered the Sub-Committee's decision.

Resolved:

That

- a) the Hackney Carriage and Private Hire Driver Licence be revoked as the Licence Holder was not deemed to be a fit and proper person;
- b) a letter be sent to the Licence Holder who assisted the complainant following the incident, commending him for his actions.

7 Application for the Ongoing Suitability of a Hackney Carriage Driver

To allow the Licence Holder's Solicitor to consult with his client the Sub-Committee adjourned for 10 minutes and re-convened at 2.05pm.

The Chair welcomed the applicant and his Solicitor to the meeting and introductions were made.

The Committee considered a report of the Licensing Team Leader which requested Members to determine the ongoing suitability of the Licence Holder to continue to be licensed as a Hackney Carriage Driver (for copy see file of minutes).

Members were provided with additional information submitted by the Licence Holder.

The Licensing Enforcement Officer presented the enforcement report. Members, the Licence Holder and his Solicitor were given the opportunity to ask questions of the Officer.

Durham Constabulary were not in attendance but had provided a statement which gave details of any previous convictions held on their records and the Police National Computer.

A representative of Northumbria Police was invited into the meeting to provide details of the incident referred to in the report and responded to questions. The Police Officer then left the meeting.

At this point the Licence Holder and his Solicitor were invited to address the Sub-Committee and responded to questions.

All parties were invited to make any final comments and at 3.00pm the Sub-Committee retired to consider the ongoing suitability of the Licence Holder in private. After re-convening at 4.00pm the Chair delivered the Sub-Committee's decision.

Resolved:

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

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By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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