

## **DURHAM COUNTY COUNCIL**

At a Meeting of **General Licensing and Registration Sub-Committee (2)** held in Council Chamber - County Hall, Durham on **Thursday 21 March 2019 at 10.00 am**

### **Present:**

**Councillor C Carr (Chairman)**

### **Members of the Committee:**

Councillors J Bell, I McLean, A Surtees and A Willis

### **Also Present:**

G Proud (Council's Solicitor)

H Johnson (Licensing Team Leader)

M Haigh (Licensing Enforcement Officer)

I Dargue (Licensing Enforcement Officer)

### **1 Apologies for Absence**

There were no apologies for absence.

### **2 Substitutes**

Councillor I McLean was in attendance as a substitute.

### **3 Minutes**

The minutes of the meeting held on 19 December 2018 were agreed as a correct record and signed by the Chairman.

### **4 Declarations of Interest**

Councillor Surtees declared an interest in agenda item No. 8 and withdrew from the meeting during consideration thereof.

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

## **6 Consideration of the Ongoing Suitability of a Hackney Carriage Driver**

The Chairman welcomed the Licence Holder and his Supporter to the meeting and introductions took place.

Councillor Carr knew the Licence Holder's Supporter and it was agreed that the Supporter would sit at the back of the room and Councillor Carr would remain in the Chair.

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

The Licensing Team Leader presented the report and advised that Members had been provided with photographs, two references and a statement from the passenger. The Licence Holder had also provided CCTV footage that Members had already had sight of.

The Licensing Team Leader then advised Members that the complainant was unable to attend the meeting and Members were asked if they wished to adjourn the meeting until a time when the complainant was able to be in attendance.

The Meeting adjourned at 10.25 am to allow Members to discuss an adjournment. After re-convening at 10.35 am the Chairman advised the Sub-Committee that Members had decided to proceed.

The Licensing Enforcement Officer was in attendance to present the Licensing Enforcement Report and showed CCTV footage of the incident. Members and the Licence Holder were given the opportunity to ask questions of the Officer.

A representative from Durham Constabulary was in attendance and confirmed that the Licence Holder had no driving offences or convictions.

The Licence Holder had provided Members with a copy of his submission which Members had read. The Licence Holder was then invited to address the Sub-Committee and responded to questions from Members.

After summing up, the Sub-Committee retired to deliberate the application in private at 11.30 am. After re-convening at 11.50 am, the Chairman delivered the Sub-Committee's decision.

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

**M Haigh (Licensing Enforcement Officer) and Councillor Surtees left the meeting**

**The Committee adjourned for a 5 minute comfort break**

**Mr I Dargue (Licensing Enforcement Officer) joined the meeting**

**7 Consideration of the Ongoing Suitability of a Hackney Carriage Driver**

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

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

The Licensing Team Leader presented the report and advised Members that the Licence Holder had advised of further penalty points on his licence.

The Licensing Enforcement Officer was in attendance and outlined the Licensing Enforcement Report and circulated a copy of an Appendix that had been omitted from the report. Members and the Licence Holder were given the opportunity to ask questions of the Officer.

The complainant and her witnesses entered the meeting individually to address Members. Members and the Licence Holder were given the opportunity to ask questions of the Complainant and Witnesses before they left the meeting.

Members then heard from the Licence Holder's Witness. Members and the Licence Holder were given the opportunity to ask questions. The Witness remained in the meeting to support the Licence Holder.

The Licence holder was invited to address the Sub-Committee and responded to questions from Members.

A representative from Durham Constabulary was in attendance and confirmed that they had nothing further to add.

After summing up, the Sub-Committee retired to deliberate the application in private at 1.15 pm. After re-convening at 1.30 pm, the Chairman delivered the Sub-Committee's decision.

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

(ii) That the Licence Holder start an anger management course within 3 months.

**Councillor I McLean left the Meeting**

**8 Consideration of an Application to be Licensed as a Private Hire Driver**

The Chairman welcomed the Applicant to the meeting and introductions were made.

The Sub-Committee considered the report of the Corporate Director of Regeneration and Local Services which requested Members to consider the suitability of the Applicant to be licensed as a Private Hire Driver (for copy of report, see file of minutes).

The Licensing Team Leader presented the report and circulated a reference that the Applicant had provided. The Applicant and Members were given the opportunity to ask questions of the Officer.

The Licensing Enforcement Officer was in attendance and outlined the Licensing Enforcement report. Members and the Applicant were given the opportunity to ask questions of the officer.

A representative from Durham Constabulary was in attendance and provided Members with background information in respect of the matters detailed in the report.

The Applicant was invited to address the Sub-Committee and showed Members photographs of his property to assist him in his submission. The Applicant responded to questions from Members.

After Summing up, the Sub-Committee retired to deliberate the application in private at 2.10 pm. After re-convening at 2.20 pm the Chairman delivered the Sub-Committee's decision.

**Resolved:** That the Applicant be granted a Private Hire Driver Licence as he was considered to be a fit and proper person.