

**GENERAL  
LICENSING COMMITTEE  
31<sup>ST</sup> JANUARY, 2012**

**PRESENT** – The Mayor; Councillors Nutt (in the Chair), C. L. B. Hughes, B. Jones, D. Jones, J. Lyonette, S. Richmond, Stenson, Thistlethwaite and J. Vasey. (9)

**ABSENT** – Councillor Lawton. (1)

**APOLOGIES** – Councillors Lee and Newall. (2)

**L43. DECLARATIONS OF INTEREST** – There were no declarations of interest recorded at the meeting.

**L44. MINUTES** – Submitted – The Minutes (previously circulated) of the meetings of this Licensing Committee held on 20<sup>th</sup> December 2011.

**RESOLVED** – That the Minutes be approved.

**L45. DETERMINATION OF APPLICATION TO PLACE ADVERTISEMENTS ON HACKNEY CARRIAGE VEHICLES** – The Director of Place submitted a report (previously circulated) to consider an application to place an advertisement on a Hackney Carriage Vehicle in the light of information contained with the report. The Licensing Manger advised that Mr Zacek was out of the country and Mr Dunn and his legal representative had requested that his application be deferred to permit his solicitor to attend

**RESOLVED** – That the application be deferred to the next meeting of the Committee scheduled to be held on 28<sup>th</sup> February 2012.

**L46. EXCLUSION OF THE PUBLIC – RESOLVED** – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part I of Schedule 12A to the Act.

**L47. DETERMINATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE APPLICATIONS AND REVIEWS OF DRIVER LICENCES (EXCLUSION PARAGRAPH NOS 1 AND 7)** – The Director of Place submitted a report (previously circulated) inviting Members to consider two reviews of Hackney Carriage Driver Licences in light of relevant convictions, cautions, medical issues and other relevant issues.

**(1) Ref. No. 24/11** – Pursuant to L42(2)/Dec/2011 a review of a Hackney Carriage Driver Licence in respect of a complaint received by a member of the public in November 2011. The complainant had alleged that he was subject to an incident of aggressive behaviour and foul language by the licence holder while at a petrol station in Darlington. The driver denied that use of obscene language and any aggressive or threatening behaviour. Members deferred this matter from their last meeting to ask that the Police request to view the CCTV available at the petrol station and for licensing officers to interview the petrol station staff. Members were advised that officers had interviewed staff one of whom had seen nothing and the other, who knew the applicant stated she had seen what appeared to be shouting between the applicant and another male but had heard nothing. Sgt Kelly viewed the available footage, which only showed the taxi driving into the petrol station and leaving the petrol station.

The applicant addressed the meeting and responded to Members' questions in relation to the incidents and to why he felt he was a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision, Members considered the lack of evidence available as it appeared to be one word against another.

**RESOLVED** – That no action be taken.

(2) **Ref. No. 01/12** – A review of a Hackney Carriage Driver licence in respect of information received from a member of the Trade advising that the licence holder had lost his job with his firm due to falling asleep at the wheel of his vehicle while carrying a passenger. After discussion with the Licensing Manger on 18 January 2012, the Chair agreed to suspend the licence with immediate effect. The Chair had made this decision under Section 61(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 after he concluded that the licence holder could no longer satisfy this Council that they were a fit and proper person to hold this driver licence on the following grounds:- *The loss of consciousness at the wheel of a licensed vehicle whilst carrying a passenger. This has brought into question his medical fitness to drive.* The suspension was also made in accordance with the provisions of Section 52 of the Road Safety Act 2006 on the grounds of public safety.

The applicant addressed the meeting and responded to Members' questions in relation to the incident and to why he felt he was a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision, Members expressed concern about the incident and felt that they needed further medical evidence before they could make a decision. The driver should undertake a medical examination at his own expense.

**RESOLVED** – That the matter the original suspension be confirmed, pending medical evidence of fitness to Group II standards from the drivers General Practitioner and neurologist.