

**GENERAL  
LICENSING COMMITTEE  
28<sup>TH</sup> FEBRUARY, 2012**

**PRESENT** – The Mayor; Councillors Nutt (in the Chair), C. L. B. Hughes, B. Jones, D. Jones, Lawton, Lee, J. Lyonette, Newall, S. Richmond, Stenson, Thistlethwaite and J. Vasey. (13)

**L48. DECLARATIONS OF INTEREST** – Councillor Nutt declared a personal and prejudicial interest in respect of L52. (2) below, as he knew the complainant and left the meeting and therefore took no part in the discussion or voted there on.

**L49. MINUTES** – Submitted – The Minutes (previously circulated) of the meetings of this Licensing Committee held on 31<sup>st</sup> January 2012.

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

**L50. 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. An application was received from Mr Dunn and Mr Zacek to place an advertisement on a Hackney Carriage Vehicle advertising Royal Cars. Royal cars is not a Darlington Company and does not have an office in Darlington, the Company holds Private Hire Operator Licences with Hartlepool, Stockton and Middlesbrough Licensing Authorities. Mr Dunn and Mr Schiller, solicitor attended the meeting.

Mr Schiller requested that the original application which showed a telephone number for an area outside of Darlington be amended to include a Darlington telephone number and Members agreed to this request. Mr Schiller initially advised Members that although all telephone calls were diverted to a call centre in Thornaby only vehicles licensed by Darlington Borough Council would be dispatched for Darlington bookings. He then amended this assertion and confirmed that the vehicle nearest to the place of booking would be dispatched.

In reaching their decision, Members considered all of the information provided by Mr Schiller and took regard of the Council's Taxi Policy in respect of the placing of advertisements on vehicles.

**RESOLVED** – That the application be refused, for the following reasons: that they believed that there had been confusion among the travelling public of Darlington in the past in respect of Royal Cars and that they were not satisfied that there would not be confusion in the future if the application was granted.

**L51. 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.

**L52. 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 reviews of Hackney Carriage Driver Licences and a

Private Hire Driver Licence in light of relevant convictions, cautions, complaints, medical issues and other relevant issues.

**(1) Ref. No. 02/12** – A review of a Hackney Carriage Driver Licence in respect of a complaint made by a member of the public. The complaint was in respect of overcharging and ejecting the passengers without reason. The Driver has previously been awarded three written warnings by Licensing Officers and a verbal warning from his employer. The complainant and partner attended the meeting, together with a representative from Darlington Association on Disability (DAD).

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 information reported by the complainants and particularly the reference made that they did not wish him to lose his licence, together with statements from the phone operator and taxi controller. Members expressed extreme concern that the driver had ejected passengers from his vehicle and did seriously consider revoking the licence because of this.

**RESOLVED** – (a) That the licence be retained and that the driver be issued with a final warning letter in respect of his future conduct and warned that if he received any further convictions, cautions, warnings or reprimands he would be referred immediately to the Licensing Committee and it was unlikely that he would be permitted to retain his licence..

(b) That the driver undertake training, at his own expense in respect of disability awareness.

**(2) Ref. No. 03/12** – Pursuant to L32(2)/Sept/2011 a review of a Hackney Carriage Driver licence in respect of a complaint made by a member of the public in respect of overcharging. The driver had previously appeared before the Members of the Committee and received a written warning in respect of a speeding conviction. 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 considered the statement from the complainant and the information heard at the meeting and acknowledged that the driver had previously been professional prior to the complaint.

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

**(3) Ref. No. 04/12** – A Review of Hackney Carriage Driver Licence in respect of a conviction of fail to engage a taximeter. The applicant had previously appeared before the Committee in respect of motoring matters in 2002 and 2004 when he had been issued with warnings about his future conduct. He had also committed a similar offence of failing to engage a taximeter in 2008 which resulted in him accepting a caution. In addition Members also considered an earlier cautions for being drunk and disorderly and for a public order offence.

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 repeated offence and did seriously consider revoking the licence because of this. They were also concerned to hear that the driver had referred to the Licensing Committee as “the kangaroo court” at the Magistrates Courts.

**RESOLVED** – (a) That the licence be retained and that the driver be issued with a final warning letter in respect of his future conduct and warned that if he received any further convictions, cautions, warnings or reprimands he would be referred immediately to the Licensing Committee and it was unlikely that he would be permitted to retain his licence.

(b) That the driver successfully undertakes the Council’s knowledge test, at his own expense, prior to the renewal of the Hackney Carriage Driver Licence at the end of April 2012.

**(4) Ref. No. 05/12** – A Review of a Private Hire Driver Licence following notification being received from Durham Constabulary in accordance with the Notifiable Occupations Scheme, in respect of an incident of the driver using threatening, abusive, insulting words or behaviour with intent to cause fear or provocation of violence. 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 also the fact that the driver did not report the caution within seven days as required by condition on the licence. Members also noted that this occurred less than three months after the first grant of a licence.

**RESOLVED** – That the licence be retained and that the driver be issued with a warning letter about his future conduct and that if he received any further convictions, cautions, warnings or reprimands he would be referred immediately to the Licensing Committee where he may lose his licence.

(Notes:-

- i. Councillor Lee was not present for consideration of L50 above, but present for the remainder of the meeting.
- ii. The Mayor and Councillor C. L. B. Hughes left the meeting and were not present for consideration of applications from L52 onwards.
- iii. Councillors Stenson and J. Vasey left the meeting and were not present for consideration of applications from L52 (2) onwards.
- iv. During consideration of L52 (2) Councillor J. Lyonette took the Chair due to Councillor Nutt withdrawing from the meeting.
- v. Councillors B. Jones, D. Jones and Newall left the meeting and were not present for consideration of applications from L52 (3) onwards.)