

**GENERAL LICENSING COMMITTEE
27TH MARCH, 2012**

PRESENT – Councillors Nutt (in the Chair) Lee, J. Lyonette, Newall, S. Richmond, Stenson and J. Vasey. (7)

APOLOGIES – The Mayor; Councillors C. Hughes, B. Jones, D. Jones, Lawton and Thistlethwaite. (6)

L53. DECLARATIONS OF INTEREST – There were no declarations of interest recorded at the meeting.

L54. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Licensing Committee held on 28th February 2012.

RESOLVED – That the Minutes be approved.

L55. APPLICATION FOR RENEWAL OF LICENCE FOR PREMISES TO BE APPROVED AS A VENUE FOR MARRIAGES AND CIVIL PARTNERSHIPS – BACKHOUSE HALL, BULL WYND, DARLINGTON – The Director of Resources submitted a report (previously circulated) asking Members to consider an application for Backhouse Hall, Bull Wynd, Darlington (the Register Office’s decommissioned Ceremony Rooms) for the renewal of the licence to be approved as a venue for Marriages and Civil Partnerships in accordance with the provisions of the Marriage Act 1949 (as amended by the Marriage Act 1994) and the Marriage and Civil Partnerships (Approved Premises) Regulations 2005.

The Notes on the requirements before an application can be granted, the standard conditions to be applied by the Local Authority in accordance with those Regulations and a copy of the application were appended to the submitted report. The application to renew the licence has no change to the designation of areas or levels for occupancy and no objections have been received.

RESOLVED – That approval be granted for Backhouse Hall as an approved venue for the solemnisation of Marriages and Civil Partnerships in respect of the venue subject to :-

(a) the standard conditions to be applied by the Local Authority from Schedule 2 of the Regulations, and

(b) the maximum number of persons permitted to occupy ceremony rooms on the occasion of Civil Marriages or Civil Partnerships should be as outlined in the submitted report in accordance with the Fire Officer’s recommendations.

L56. 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, 7 and 14 of Part I of Schedule 12A to the Act.

L57. 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 the review of Hackney Carriage Driver Licence in the light of a licensing conviction.

(1) Ref. No. 06/12 – A Review of Hackney Carriage Driver Licence in the light of a licensing conviction for failing to engage the taximeter, although, the driver had claimed that the meter had suffered an electrical fault. The Licensing Manager reported that the driver was unable to attend the meeting and requested that the matter be dealt with in his absence.

After careful consideration, Members decided that the driver should be required to attend the Committee to answer any questions that they may have about this matter.

RESOLVED – That the application be deferred and considered at the next meeting of the Committee scheduled to be held on Tuesday 1st May, 2012 and the driver be advised that if he does not attend on that occasion that the licence will be suspended until he does attend.

L58. DETERMINATION OF THE RENEWAL OF PRIVATE HIRE OPERATOR LICENCE (EXCLUSION PARAGRAPH NO 14) – The Director of Place submitted a report (previously circulated) inviting Members to consider the renewal of a Private Hire Operator Licence. This was in the light of repeated failures of the Company to comply with the Council's condition relating to the provision of information about complaints received by the Company and also in respect of the activities of one of the Company Directors.

Three Company Directors and a representative for a fourth Company Director from the Company attended and addressed the meeting. They responded to Members' questions in relation to the incidents and to why they felt the Private Hire Operator Licence should be renewed.

In reaching their decision, Members considered the fact that the Company had accepted that mistakes had been made and the introduction of a new complaints procedure was now in place to ensure that in future the Council would be properly notified of all complaints. Members noted that given the activities of one Company Director the Company had taken the decision to remove him from his position and were assured that he would no longer have any role whatsoever in the Company.

Members were extremely concerned at the level of non compliance by the Company and the fact licensed vehicles operated through the Company had been subject to investigation and fines by Her Majesty's Revenue and Customs. Members suggested an update report should be brought to a future meeting of the Licensing Committee at the end of the initial six month period to advise on the compliance of your Company.

RESOLVED – That the Private Hire Operator Licence be renewed for six months subject to each Company Director undertaking the Council's legislation test for Private Hire Operators, at their own expense within six weeks of the Licence being granted and a severe warning be issued in respect of the non compliance of the conditions within the Licence and any further incidents of this kind would result in the immediate return to Committee for a further review of licence which could lead to the revocation of the licence