
**OUTCOME OF LEGAL PROCEEDINGS
01 SEPTEMBER 2011 TO 31 OCTOBER 2012**

Purpose of Report

1. To advise Members of the outcome of legal proceedings in relation to licensing matters.

Information and Analysis

2. The schedule attached to this report at **Appendix 1** gives details of proceedings taken against individuals in relation to various licensing offences. This has resulted in **£966** fines and **£637.50** costs being levied at the Magistrates Courts. In addition 2 cautions have been issued to individuals in respect of taxi licensing offences.
3. The schedule attached to this report at **Appendix 2** gives details of an appeal by an individual driver against the decision of the Licensing Committee to revoke his licence. This appeal did not succeed and £1130 costs were requested by the Council however no costs were awarded because the appeal had resulted in the driver losing his employment.

Legal Implications

4. There are no issues that the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the reports.

Crime and Disorder Act 1998 Section 17

5. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The contents of this report provide details of criminal activities.

Recommendation

- 6.. Members are invited to note the contents of this report which will be made available to members of the Trade for their reference.

Richard Alty
Director of Place Services

Background Papers

Individual Prosecution and Appeal files.
The Local Government (Miscellaneous Provisions) Act 1976
The Town Police Clauses Act 1847
Darlington Borough Council Byelaws
The Road Traffic Act 1988

Appendices

Appendix 1 Record of Prosecutions 01 September 2011– 31 October 2012
Appendix 2 Record of Appeals 01 September 2011 – 31 October 2012

Pam Ross Extension
388647

RECORD OF PROSECUTIONS 01 SEPTEMBER 2010 TO 31 AUGUST 2011

NAME	OFFENCE(S)	DATE OF CONVICTION	SENTENCE
Andrew Marriner	Fail to engage taximeter	25 January 2012	£73 fine + £70 costs
Mark Dannatt	Fail to engage taximeter	14 February 2012	£175 fine + £131.25 costs
Neil Griffiths	Leave HC unattended on rank	14 March 2012	£35 fine + £131.25 costs
Mark Brown	Leave HC unattended on rank	09 May 2012	£25 fine
Mark Fulleylove	Leave HC unattended on rank	09 May 2012	£25 fine + £25 costs
Mihail Ardeleanu	No insurance	17 July 2012	£333 fine + £80 costs & 6 penalty points
Della Halliday	Licensing Act 2003 offence – carry out unlicensed activity	31 July 2012	Conditional Discharge 12 months + £100 costs
St Mary's Club	Licensing Act 2003 offence – Knowingly allow unlicensed activity	31 July 2012	£300 fine + £100 costs

TOTAL FINES: £966 OF WHICH £666 IS IN RESPECT OF “TAXI” OFFENCES AND £300 IN RESPECT OF OTHER LICENSING OFFENCES

TOTAL COSTS: £637.50 OF WHICH £ 437.50 IS IN RESPECT OF TAXI OFFENCES AND £200 IN RESPECT OF OTHER LICENSING OFFENCES

CAUTIONS

A total of 2 cautions have been issued in the period 01 September 2011 to 31 October 2012 as follows:

18 July 2012 – use/permit use of unlicensed private hire vehicle (joint persons)

APPENDIX 2

RECORD OF APPEALS 01 SEPTEMBER 2011 TO 31 OCTOBER 2012

NAME	REASON FOR APPEAL	DATE OF APPEAL	OUTCOME
Adrian J McMain	Revocation of hackney carriage driver licence (2 cautions & failure to declare same)	02 October 2012	Appeal dismissed. Costs of £1130 requested but not awarded due to Mr McMain's means, having lost his employment.