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**OUTCOME OF RECENT COURT PROCEEDINGS**

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**Purpose of Report**

1. To advise Members of the outcome of recent Court proceedings in relation to a licensing matter.

**Information and Analysis**

2. The schedule attached to this report gives details of an individual relating to the outcome of a Court Appeal against a decision made initially by the Chair of the Licensing Committee and then subsequently confirmed by the Licensing Committee
3. Members are invited to note the contents of this report.

**Legal Implications**

4. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

**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 decision taken by the Chair of the Licensing Committee which was subsequently confirmed by the Licensing Committee included consideration of offences that were subject to a police investigation.

**Recommendation**

6. That Members note the contents of this report.

**Richard Alty**  
**Director of Services for place**

**Background Papers**

No background papers were used in the preparation of this report

**Appendix 1 Mr Miloslaw Henryk Slawecki**

Pam Ross Extension 388647

**Name of Appellant**            **Mr Miloslaw Henryk Slawecki**

**Date of Committee**            **16 October 2012**

**Committee Decision:**    **That the suspension, by the Chair of Licensing Committee (on 08 October 2012) of Mr Slawecki's Hackney Carriage driver licence pending the outcome of police investigations be confirmed on the grounds that he was no longer a fit and proper person to hold such a licence because he had been involved in a hit and run accident in his hackney carriage on 26 August 2012 whereby he had hit a pedestrian and had failed to stop/failed to report this accident to the police.**

**Appeal Details:**            **14 January 2013 at Darlington Magistrates Courts.**

**Appeal Information:**    **Mr Slawecki attended Court with his partner and was not legally represented. He initially advised the court that he had not hit the pedestrian, then advised that he had made contact with the pedestrian; that he had stopped for a few seconds after the accident but was fearful for his safety because of another group of males in the vicinity; that it was 100% the fault of the pedestrian for crossing the road in that place and he also confirmed that he had not reported the matter to the Police despite being advised to do so by licensing officers. The Magistrates were shown CCTV coverage of the incident which clearly showed that Mr Slawecki did hit the pedestrian, stopped for a matter of seconds and then drove away without making any contact with the injured pedestrian. They were also advised that the pedestrian had required stitches and had suffered from mild concussion.**

**Appeal outcome:**        **The Bench advised that they agreed with the decision of the Council that he was not a fit and proper person and dismissed his appeal. The Council requested costs of £837 but because of his limited means the court ordered that he should pay £400 towards these costs. Officers agreed that this could be paid at £40 per month.**