

GENERAL LICENSING COMMITTEE
4TH JUNE 2013

PRESENT – Councillors Nutt (in the Chair) L. Haszeldine, C.L.B. Hughes, D. Jones, Lee, Newall, Stenson and Thistlethwaite. (8)

APOLOGIES – Councillors Lawton, B. Jones, J. Lyonette, J. Vasey and L. Vasey (5)

L1. CONSIDERATION OF TIMINGS OF MEETINGS FOR THE REMAINDER OF THE MUNICIPAL YEAR 2013/14 – That for the remainder of this Municipal Year the timings of meetings of this Committee be held at 9.30 a.m.

L2. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

L3. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Licensing Committee held on 30th April 2013.

RESOLVED – That the Minutes be approved.

L4. APPLICATION FOR GRANT OF LICENCE FOR PREMISES TO BE APPROVED AS A VENUE FOR MARRIAGES AND CIVIL PARTNERSHIPS – KINGS HEAD HOTEL, PRIESTGATE, DARLINGTON – The report of the Proper Officer asking the Committee to consider an application received from the Kings Hotel, Priestgate, Darlington for the grant of a 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 was subject to the usual Officer consultations and advertised. The Hotel has not previously been approved as a venue for civil ceremonies and no objections were received.

The Superintendent Registrar worked closely with the Hotel to encourage and support the venue to become an approved venue for civil ceremonies. Customer interest has suggested that it would be a popular venue for civil ceremonies generating additional income for both the Council and the hotel. The premises are considered to be suitable for approval as a venue for Marriages and Civil Partnerships, subject to the standard conditions and a limit on the number of people permitted to be present in the nominated rooms.

RESOLVED – That approval be granted for the Kings Hotel, Priestgate, Darlington as an approved venue for the solemnisation of Marriages and Civil Partnerships in respect of the venue subject to the standard licence conditions and that the maximum number of persons permitted to occupy ceremony rooms on the occasion of Civil Marriages or Civil Partnerships should be as outlined in accordance with the Fire Officer's recommendations.

L5. APPLICATION FOR RENEWAL OF LICENCE FOR PREMISES TO BE APPROVED AS A VENUE FOR MARRIAGES AND CIVIL PARTNERSHIPS

(A) THE COUNCIL CHAMBER, TOWN HALL, DARLINGTON – The report of the Proper Officer asking the Committee to consider an application received from Darlington Borough Council for a renewal of its 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 The Council Chamber, Town Hall, Darlington as an approved venue for the solemnisation of Marriages and Civil Partnerships in respect of the venue subject to the standard licence conditions and that the maximum number of persons permitted to occupy ceremony rooms on the occasion of Civil Marriages or Civil Partnerships should be as outlined in accordance with the Fire Officer's recommendations.

(B) THE HEAD OF STEAM, DARLINGTON RAILWAY MUSEUM, NORTH ROAD, DARLINGTON – The report of the Proper Officer asking the Committee to consider an application received from Darlington Borough Council for a renewal of its 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 The Head of Steam, Darlington Railway Museum, North Road, Darlington as an approved venue for the solemnisation of Marriages and Civil Partnerships in respect of the venue subject to the standard licence conditions and that the maximum number of persons permitted to occupy ceremony rooms on the occasion of Civil Marriages or Civil Partnerships should be as outlined in accordance with the Fire Officer's recommendations.

(C) THE CLOCK TOWER LODGE, SOUTH PARK, DARLINGTON – The report of the Proper Officer asking the Committee to consider an application received from Darlington Borough Council for a renewal of its 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 The Clock Tower Lodge, South Park, Darlington as an approved venue for the solemnisation of Marriages and Civil Partnerships in respect of the venue subject to the standard licence conditions and that the maximum number of persons permitted to occupy ceremony rooms on the occasion of Civil Marriages or Civil Partnerships should be as outlined in accordance with the Fire Officer's recommendations.

(D)REDWORTH HALL HOTEL, DARLINGTON – The report of the proper Officer asking the Committee to consider an application received from Redworth Hall Hotel for a renewal of its 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 with one change to its current conditions in the addition of one room to its list of available rooms for ceremonies and no objections have been received.

RESOLVED – That approval be granted for Redworth Hall Hotel, Darlington as an approved venue for the solemnisation of Marriages and Civil Partnerships in respect of the venue subject to the standard licence conditions and that the maximum number of persons permitted to occupy ceremony rooms on the occasion of Civil Marriages or Civil Partnerships should be as outlined in accordance with the Fire Officer's recommendations.

L6. 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.

L7. APPLICATIONS FOR AND REVIEWS OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES AND HACKNEY CARRIAGE VEHICLE LICENCES – The Director of Place submitted a report (previously circulated) inviting Members to consider applications for and reviews of Hackney Carriage and Private Hire Driver Licences and Hackney Carriage Vehicles following cautions and convictions and the suspension of such licences on the grounds of public safety.

(1) Ref. No. 07/13 – An application for a Private Hire Driver Licence following a Police caution and a speeding offence. The Licensing Manager also tabled some additional information in respect of an ambiguity as to the location of the applicants' permanent home address.

The applicant addressed the meeting, with a representative for support and responded to Members questions in relation to the above, and to why he was a fit and proper person to hold a Private Hire Driver Licence.

In reaching their decision, Members considered there to have been confusion on the part of the applicant as to what he regarded as his permanent home address due to the complicated home situation that the applicant described and felt that he did not intend to deliberately mislead the Council by providing a false address. Members also felt that he had shown willingness to put right his wrongs and had tried hard to make a fresh start. Members believed that by granting a licence for six months this would allow the applicant sufficient time to sort out the address confusion and ensure all the details are correct.

RESOLVED – That the Licence be granted for six months with a Warning Letter reminding him that any further incidents or offences of any kind will result in the immediate return to Committee for further review of the licence.

(2) Ref. No. 08/13 – A review of a Private Hire Driver Licence following a recent conviction for a speeding offence. The driver addressed the meeting, with a representative for support, and responded to Members questions in relation to the above, and to why he was a fit and proper person to hold a Private Hire Driver Licence.

After careful consideration, Members considered the recent speeding conviction and history of driving offences. Members agreed that the driver be permitted to retain his Licence with a warning letter and felt that, in accordance with the Council's Policy regarding drivers with 9 penalty points on their licence, he should be required to successfully complete the Driver Improvement Scheme (DIS) at his own expense, prior to 30 September 2013.

RESOLVED – That the licence be retained with a warning letter and that the driver be required to undertake the Driver Improvement Scheme (DIS) at his own expense, prior to 30 September 2013.

(3) Ref. No. 09/13 – A review of a Hackney Carriage Driver Licence and Hackney Carriage Vehicle Licences following a conviction. The driver addressed the meeting and requested an adjournment to enable him to be legally represented.

RESOLVED – That the application to adjourn be granted and the matter be dealt with at the next meeting of the general Licensing Committee on 2nd July 2013.

(4) Ref. No. 04/13 – Pursuant to L47/April/13 a review of a Hackney Carriage and Private Hire Driver Licence in light of a complaint from a member of the public alleging that the Driver had 'nodded off' whilst carrying passengers.

At a Committee meeting in August 2012, Members suspended this licence on the basis that he was not a fit and proper person to hold licences, because it was alleged he had fallen asleep at the wheel of a licensed vehicle while carrying three passengers, and requested medical evidence from his General Practitioner (GP). Once the medical information was received Licensing Officers lifted his suspension.

At the Committee meeting in April 2013, Members again confirmed a suspension of both licences on the basis that he was not a fit and proper person to hold licences

because he had appeared to have nodded off at the wheel of a licensed vehicle while carrying two passengers and requested further medical evidence from his General Practitioner (GP). 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 submitted report detailed the information received from the drivers' GP and information provided by the Licensing Enforcement Officer who had interviewed the driver on both occasions, in respect of conflicting evidence about what he told Officers regarding closing his eyes for 2-3 seconds at a time including while driving.

In reaching their decision, Members carefully considered the evidence from the GP and Officers, both complaints which had been received from members of the public and the drivers' recent speeding conviction. Members felt that the fact that his GP stated that he was medically fit to drive vehicles to DVLA Group II standard and although there was conflicting evidence in respect of what he had told Officers, Members felt that he had provided plausible explanations in respect of these matters.

RESOLVED – That both licences be retained subject to an annual Group II medical.

(Note: Councillor Thistlethwaite left the meeting and was not present for consideration of Reviews from L7. (2) onwards).