

**GENERAL LICENSING COMMITTEE
11 FEBRUARY 2014**

PRESENT – Councillors Nutt (in the Chair); L. Haszeldine, B. Jones, D. Jones, Lee, Newall, Stenson, L. Vasey and J. Vasey. (9)

APOLOGIES – Councillors C. Hughes, Lawton, J. Lyonette and Thistlethwaite. (4)

L42. DECLARATIONS OF INTEREST – Councillor L. Haszeldine declared a non-pecuniary interest in respect of L49(2) below, as she knew the driver in question and left the meeting taking no part in the discussion or voting thereon.

L43. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Licensing Committee held on 17th December, 2013.

RESOLVED – That the Minutes be approved.

L44. APPLICATION FOR RENEWAL OF LICENCE FOR PREMISES TO BE APPROVED AS A VENUE FOR MARRIAGES AND CIVIL PARTNERSHIPS – CENTRAL HALL, DOLPHIN CENTRE – The Proper Officer submitted a report (previously circulated) to consider an application received from the Dolphin Centre for the 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.

Central Hall had previously been an approved as a venue for ceremonies but its licence lapsed in October 2012 as it was being used as a temporary venue for the Excel Church and the local Mosque. Now these two groups have been relocated the Dolphin Centre wishes to once again utilise Central Hall for Civil Marriages.

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 had been subject to the usual officer consultations and had been advertised and no objections had been received.

RESOLVED – That approval be granted for Central Hall, Dolphin Centre, Horsemarket, 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.

L45. APPLICATION FOR RENEWAL OF LICENCE FOR PREMISES TO BE APPROVED AS A VENUE FOR MARRIAGES AND CIVIL PARTNERSHIPS – The Proper Officer submitted a report (previously circulated) to consider an application from the Walworth Castle Hotel for the 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.

Walworth Castle Hotel has been an approved venue for Civil Ceremonies since 2001 and the hotel sought to renew its licence with one change to its conditions to offer an additional room within the hotel for ceremonies, the dungeon.

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 had been subject to the usual officer consultations and had been advertised no objections had been received.

RESOLVED – That approval be granted to Walworth Castle Hotel, Walworth, 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.

L46. CONSULTATION DOCUMENT : REVIEW OF CONDITIONS AND POLICIES RELATING TO PAVEMENT CAFÉ LICENCES - The Director of Economic Growth submitted a report (previously circulated) to consult Members on the proposed revision of the current Policies and Conditions relating to the licensing of Pavement Cafes and to invite Members to support the amendments to the Council's Pavement Cafe Policy.

The submitted report gave the background to the licensing of Pavement Cafes under the Highways Act 1980; outlined the current policy and conditions attached to pavement cafes approved by Members in 2000; the revised fee structure; the consultation process with existing licence holders, Durham Police, Durham Fire Authority, and Darlington Association on Disability; and within the Council, Highways, Environmental Health, Trading Standards, Markets and Events; and the proposed pavement café policy and conditions.

RESOLVED – (a) That the report be noted.

(b) That Members of this Licensing Committee support the proposals for new and/or amended conditions as detailed in the submitted report.

(c) That all other policies and conditions as detailed in the current pavement café licensing policy document be rescinded.

L47. REVIEW OF CONDITIONS AND POLICIES RELATING TO HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES AND THEIR DRIVERS AND OPERATORS AMENDMENT TO POLICY IN RESPECT OF TESTING OF VEHICLES – The Director of Economic Growth submitted a report (previously circulated) to consult Members on the proposal to amend the Council's current Private Hire and Hackney Carriage Licensing Policy and permanently transfer the

testing arrangements for hackney carriages and private hire vehicles to the Council's in house testing facilities and to seek approval to the amendments.

The submitted report gave the background to the mix of primary legislation, council policies, licence conditions and byelaws that control hackney carriages and private hire vehicles; and the background to the agreement with VOSA to carry out testing of licensed vehicles on behalf of the Council until formal notice was given to the Council that they would no longer be able to carry out this function after 31st March 2013.

It was reported that the Council's in house testing facilities will be available from 1st April, 2014. A copy of the amended Section 86 of the Council's Private Hire and Hackney Carriage Licensing Policy in relation to vehicle testing was appended to the submitted report for Members approval.

RESOLVED – (a) That the submitted report be noted.

(b) Members support the proposals for new and /or amended conditions as detailed in Appendix 1 to the submitted report.

(c) That all other policies and conditions in relation to the testing of vehicles as detailed in the current licensing policy document be rescinded.

L48. 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.

L49. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE REVIEWS – The Director of Place submitted a report (previously circulated) inviting Members to consider reviews of Hackney Carriage and Private Hire Driver Licences in the light of motoring offences and/or complaints about conduct.

(1) Ref. No. 01/14 An application to review a Hackney Carriage Driver Licence in respect of a fine for Ply for hire in suspended hackney carriage.

The Driver attended the meeting and responded to Members' questions in relation to the conviction and as to why he felt he was a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision, Members took into consideration the fact that the Driver had rectified the problem with the taximeter shortly after the vehicle had been suspended and that no passengers had been carried during the time of suspension; there had been no incidents since 2008 until this incident and Members believed he demonstrated remorse for his actions.

RESOLVED – That the Licence be retained and the driver be issued with a warning letter in respect of this matter and warned that if any further convictions, cautions, warnings, complaints or reprimands are received they would be referred immediately to the Licensing Committee.

(2) Ref. No. 02/14 An application to review Hackney Carriage Driver Licence in respect of a conviction for failing to engage taximeter.

The Driver attended the meeting and responded to Members' questions in relation to the conviction and as to why he felt that he was a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision, Members took into consideration that this was the first time he had been in trouble since his licence was granted and they accepted that the driver's reasons for forgetting to engage the meter because he was distracted by his passengers.

RESOLVED – That the Licence be retained and the driver be issued with a warning letter in respect of this matter and warned that if any further convictions, cautions, warnings, complaints or reprimands are received they would be referred immediately to the Licensing Committee.

(3) Ref. No. 03/14 An application to review Private Hire Drive Licence in respect of a complaint about the driver's conduct towards 3 school children who were travelling in his vehicle.

Members decided to consider the review in the driver's absence as they felt that he had been given sufficient notice of the meeting and had not contacted the Council to offer any explanation for non-attendance.

In reaching their decision, Members took into consideration the information contained within the report and also a copy of a letter sent to the driver by 1AB Taxis Limited advising that as he had failed to contact them in respect of this complaint they had dispensed of his services.

Members also felt that the driver could no longer satisfy them that on the balance of probabilities that he was a fit and proper person to hold his driver's licence taking into account his poor behaviour towards the school children whose father had brought the complaint and the bad language used towards them; they did not believe the explanation that was subsequently provided to officers about the incident and noted that he had not been truthful when appearing before the Committee in October, 2013; and that he had been issued with a final warning in October, 2013 and did not appear to have had any regard to the warning.

RESOLVED – (a) That the Licence be revoked under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

(b) That in accordance with Section 52 of the Road Safety Act 2006 this revocation will take effect immediately in the interests of public safety as Members were concerned that he had frightened children in his vehicle and did not believe that he should be permitted to drive while awaiting any appeal hearing.