
**OUTCOME OF LEGAL PROCEEDINGS
01 NOVEMBER 2012 TO 31 MARCH 2014**

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 **£983** in fines and **£1181.75** 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 3 appeals against the decision of the Licensing Committee and one appeal already reported to the Licensing Act 2003 Committee. Three appeals were dismissed and one was upheld in part only. Costs totalling £1260 were awarded to the Council.

Legal Implications

5. 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

6. 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 provides details of criminal activities

Recommendation

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

Ian Williams
Director of Economic Growth

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 November 2012– 31 March 2014
Appendix 2 Record of Appeals 01 November 2012– 31 March 2014

Pam Ross Extension
388647

RECORD OF PROSECUTIONS 01 NOVEMBER 2012 TO 31 MARCH 2014

NAME	OFFENCE(S)	DATE OF CONVICTION	SENTENCE
John Fothergill	Fail to engage taximeter	11 December 2012	£107 fine + £100 costs
Daniel R Kempf	Fail to engage taximeter	11 December 2012	£133 fine + £100 costs
Mark J Dyson	Fail to engage taximeter	10 April 2013	£83 fine + £175 costs
Sandor Toth	Fail to engage taximeter	10 April 2013	£83 fine + £175 costs
Derek Taylor	Fail to engage taximeter Permit use of unlicensed vehicle	08 May 2013	£200 fine + 6 penalty points
Ronald A Miles	Use unlicensed vehicle	08 May 2013	Absolute Discharge + £75 costs
Michael Ward	Fail to behave in a civil & orderly manner	30 October 2013	Conditional Discharge 6 months + £185.50 costs
Stephen Trotman	Use suspended hackney carriage	04 December 2013	£250 fine + £230 costs
John Wolfe	Fail to engage taximeter	29 January 2014	£107 fine + £141.25 costs

TOTAL FINES: £963
TOTAL COSTS: £1181.75

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 NOVEMBER 2012 TO 31 MARCH 2014

NAME	REASON FOR APPEAL	DATE OF APPEAL	OUTCOME
Michael Dunn	Conditions on vehicle licence	13 December 2012	Magistrates decided it was not within their jurisdiction to deal with the appeal which was against the Council's application of a condition rather than the condition itself
Miloslaw Slawecki	Suspension of HC driver licence	14 January 2013	Appeal dismissed. £400 contribution to Council's costs
Sloans	Refusal to extend terminal hours and refusal to vary condition relating to background music	04 September 2013	Appeal allowed in part (terminal hour extended) – variation of condition refused.
Kevin Guest	Refusal to grant HC driver licence	05 November 2013	Appeal dismissed & ordered to pay £860 costs