

GENERAL LICENSING COMMITTEE

7 APRIL 2015

PRESENT – Councillor L Vasey (in the Chair); Councillors C.L.B. Hughes, B. Jones, D. Jones, Lee (the Mayor), Newall, Stenson, Thistlethwaite, J. Vasey and L. Vasey (Vice-Chair). (10)

APOLOGIES – Councillors L. Haszeldine, Lawton and Nutt. (3)

OFFICERS – Julie Richings, Principal Licensing Officer; Amy Wennington, Lawyer; David Burrell, Private Sector Housing Manager; Sergeant C. Dickenson and Allison Hill, Democratic Officer.

L45. DECLARATIONS OF INTEREST – Councillor C. Hughes declared a non-pecuniary interest in Item L48(2) below, as she knew the driver in questions wife and and left the meeting taking no part in the discussion or voting thereon.

L46. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 10 March, 2015.

RESOLVED – That the Minutes be approved as a correct record.

L47. 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.

L48. HACKNEY CARRIAGE DRIVER LICENCE APPLICATIONS – The Director of Economic Growth submitted a report (previously circulated) inviting Members to consider an application for the grant of a Hackney Carriage Driver Licence in light of convictions and cautions and a review of a Hackney Carriage and Private Hire Driver Licence in light of two complaints from members of the public.

(1) Ref. No. 03/15 – Pursuant to Minute L44(2)/Mar/15, to give further consideration to an application for the grant of a Hackney Carriage Driver Licence in respect of offences for Criminal damage; Indecent Assault; Theft; Going Equipped for Theft; Conspire/Obtain Property by Deception; No Road Fund Licence; Excess Speed; Failure to Produce a Driving Licence; and Speeding.

Members also received information contained in a report to Committee on 4 December 2007 when the driver made an application for a Hackney Carriage Driver Licence which revealed three allegations, two of a sexual nature and one of a racial nature, which caused officers concern.

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

Members were also advised that the driver had failed to declare to Middlesbrough Borough Council that he had previously been refused a licence to drive with this Authority in 2007 and failed to declare a fixed penalty for shop lifting in 2014.

In reaching their decision, Members took into consideration the Council's Licensing Policy in relation to applicants with a conviction, caution, reprimand or final warning for indecent exposure, indecent assault, importuning or any sexual offence, will normally be refused a licence. In exceptional circumstances an application will be considered on its merits when the applicant can show a substantial period (of at least three to five years) free of such conviction, caution, reprimand or final warning or three years from completion of any custodial sentence imposed, whichever is the latter.

Members also took into consideration the drivers offending history, the allegations of a sexual and racial nature and his failure to tell Middlesbrough Borough Council that he had been licensed with this authority previously and had been refused a licence by this authority were all contributory factors to refusing the Licence.

Members also took into consideration the Council's Licensing Policy in relation to applicants with a conviction, caution, reprimand or final warning for an offence involving dishonesty will normally be refused a licence. An application will however be considered where the applicant can show at least three years free of such conviction, caution, reprimand or final warning or three years from completion of any custodial sentence imposed, whichever is the later.

RESOLVED – That the application be refused under Section 59(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 as the Committee did not consider the applicant to be a fit and proper person to hold a Hackney Carriage Driver Licence.

(2) Ref. No. 04/15 - To give consideration to a Review of a Hackney Carriage and Private Hire Driver Licence in respect of two complaints received against the driver.

The Driver attended the meeting and responded to Members questions in relation to the complaint that the driver had made in appropriate comments to a female passenger on in February 2015 and a previous complaint made in September 2014 when it was alleged the driver had been discourteous to a female passenger; and to why he felt that he was a fit and proper person to retain his Hackney Carriage and Private Hire Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy in relation to complaint received which result in disciplinary action and that existing holders of Licences may expect the Council to consider revocation of their Licence; the drivers statement in relation to the complaints; the two letters of reference in support of the driver; and the drivers record of driving over the past 17 years.

RESOLVED – That the Licence be retained with no further action.

