

## Licensing Committee

A meeting of the Licensing Committee was held on Tuesday, 13 June 2006.

**Present:** Councillor Mrs Nelson (Chairman), Councillors Coombs, Johnson, Leckonby, Leonard, Rix, Roberts, Mrs Wade, Woodhead and Woodhouse.

**Officers:** P K Bell, J Nertney (LD); M Vaines, S Forsythe, S Mills (DNS).

**Apologies for absence** were submitted on behalf of Councillors Dixon, Kirton, Narroway, Salt and Mrs Trainer.

### 245 Minutes

The minutes of the meeting held on 25 April 2006 were signed by the Chairman as a correct record.

### 246 The Gambling Act 2005 – Draft Statement of Licensing Principles

Consideration was given to a report which detailed the draft proposals for the statement of Licensing Principles and scheme of delegation, which the Council, as the Licensing Authority, would apply in exercising its functions under the Gambling Act 2005 and which would be the subject of full, formal consultation with interested parties prior to being approved by Council later in the year.

The Gambling Act 2005 created a new system of licensing and regulation for commercial gambling in this country. Amongst other changes, it gave to local authorities new and extended responsibilities for licensing premises for gambling. In some cases (such as gaming machine arcades), which built on existing responsibilities. In other major areas, including betting, casino gaming and bingo, they transferred to local authorities the responsibility of which had previously lain with the local licensing justices.

The new Act would come fully into force in September 2007. Each licensing authority would be required to develop, consult and publish a statement of its licensing policy. The statement would be required to set out the principles, which the authority proposed to apply in exercising its licensing functions under the Act.

RESOLVED that the comments made by Members on the Draft Statement of Licensing Principles and the Proposed Scheme of Delegation be received.

### 247 Exclusion of the Public

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 13 of Part 1 of Schedule 12A of the Act.

### 248 Combined Driver No. 694 Mr CMS

Consideration was given to a report on a Combined Driver who was suspended following a complaint of serious assault on a member of the public. Mr CMS was found guilty of Grievous Bodily harm without intent on 9 June 2006.

Mr CMS is a licensed Hackney Carriage driver. He was first licensed on 13 December 2001, his current license would expire on 31 December 2006.

On 28 February 2006, Mr CMS appeared before the Licensing Committee after an Officer, using delegated powers, had suspended his licence. Mr CMS had been arrested for an alleged assault on a member of the public whilst he was acting in the course of his employment as a Licensed Hackney Carriage Driver. The Licensing Committee at the time upheld the decision to suspend his licence, pending the outcome of his trial. Minute 1137 referred. Mr CMS had not driven since March 2006.

Mr CMS appealed to the Magistrates Court over the decision to suspend his Hackney Carriage license. The appeal was heard at the Magistrates Court on 24 March 2006, The Council's Principal Solicitor and Mr S solicitor were present. Mr CMS did not attend the hearing and sent a message via his solicitor to abandon the appeal. The Magistrates ordered Mr CMS to pay the Council's costs in the sum of £394.05 in full.

On 8 May 2006, the Crown Court Trial of Mr CMS commenced and on 11 May 2006, Mr CMS was found guilty by the Jury for the Offence of Assault (Grievous Bodily Harm) contrary to section 20 of the Offences Against the Person Act 1861. Mr CMS appeared at Teesside Crown Court on 9 June 2006 and was sentenced. To 9 months imprisonment suspended for 12 months and 200 hours unpaid work and £750.00 costs.

Members were reminded that under the provision of section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Local Authority could suspend, revoke or refuse to renew the licence of a driver on any of the following grounds:-

- (a) That he had since the grant of the licence:-
  - (i) They have been convicted of an offence involving dishonesty, indecency or violence.
  - (ii) They have been convicted of an offence or failed to comply with the provisions of the Act of 1847, or part of this Act or,
- (b) Any reasonable cause.

RESOLVED that Combined Driver NO.694 Mr CMS have his Combined Driver's Licence revoked further to being convicted of a serious assault under the provisions of 61(1) of the Miscellaneous Provisions Act 1976.

#### **249 Private Hire Driver – Mr AM**

Consideration was given to a report on a Private Hire Driver who was arrested for soliciting a female and subsequently gave the Police false details and had a conviction imposed on him for perverting the course of justice. On a separate occasion he allegedly used threatening and abusive behaviour towards a member of the public.

Mr AM was a licensed private hire driver. He was first licensed on 21 December 2005; his current licence was due to expire 31 December 2006.

In February 2006, the Licensing Unit received a notification from Cleveland police, which reported the convictions and relevant information in respect of Mr AM. It was stated that Mr AM was arrested on 23<sup>rd</sup> December 2004 for soliciting a female in Middlesbrough. When arrested Mr AM gave the Police false details; he gave the name of his cousin which he did without his cousin's knowledge.

A summons was issued for Mr AM to attend Court. The person who attended court was not the person the arresting officer had arrested. Police made enquiries and Mr AM was identified. Mr AM was re-arrested for perverting the Course of Justice and appeared at Court on 27 January 2006. Mr AM was found guilty of perverting the Course of Justice and was sentenced to imprisonment of 4 months wholly suspended for 2 years and £153 costs.

On 25 April the Licensing Unit received a complaint regarding the driver of a Private Hire Vehicle 071, regarding his manner of driving, abusive language and making threats; the driver was Mr AM. The complainant stated that Mr AM tried to cut him on the A19 flyover. Mr AM then proceeded to follow the complainant who was so concerned by Mr AM's actions that he decided to head directly for Stockton Police Station. Mr AM then pulled alongside the complainant and shouted abusive

language out of his window to the complainant and then sped off through the lights into Teesdale.

Mr AM was formally interviewed by Licensing Officers on 26 April 2006 where he admitted the offences of Soliciting a female and Perverting the Course of Justice, he also admitted being verbally abusive to the complainant.

Members were respectfully reminded that under the provisions of Section 61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend or revoke or refuse to renew the licence of a hackney carriage and/or private hire driver on the following grounds: -

- (a) That he has since the grant of the Licence: -
  - (i) Been convicted of an offence involving dishonesty, indecency or Violence; or
  - (ii) Been convicted of an offence under or fails to comply the provisions of the Act of 1847 or of this part of this Act; or
- (b) Any other reasonable cause.

Mr AM was in attendance at the meeting and was given the opportunity to outline his case.

RESOLVED that Mr AM have his Private Hire Driver Licence revoked because he had received a conviction for perverting the course of justice which was of a very serious nature. This conviction had come about after giving false details to the Police when he had been arrested for soliciting a female in Middlesbrough.

The Committee resolved that the behaviour was not fit and proper for a licensed driver and that the conviction was for an offence of dishonesty which is specifically covered under the legislation being Section 61(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976

## **250 Application for Combined Driver Licence – Mr AR**

Consideration was given to a report on an application for a licence to drive private hire vehicles from an applicant who has had his previous licence revoked by this Committee.

Mr AR had submitted an application form on 27 February 2006 to become a licensed private hire driver.

Members were reminded that Mr AR was refused licence by the Committee on 30<sup>th</sup> August 2005, under the provision of section 51(a) The Local Government (Miscellaneous provisions) Act 1976, on the grounds that he was considered not to be a fit and proper person to hold such a licence. The Committee found he had not told the truth when appearing before them in relation to voluntary work undertaken at County cars and this cast doubt on other evidence he had put before them and his submissions to them.

In addition to this finding the Committee also found that his warning for handling stolen goods and his actions in making off after an accident were both relevant factors, which added to their finding that he was not a fit and proper person to hold a licence.

A further Criminal Record Bureau check had been carried out on Mr A.R, which had revealed no further convictions since his previous application.

Members are reminded that under the provisions of Section 51(1) (a) of the Local Government Miscellaneous Provisions Act 1976 which instructs District Councils not

to grant a licence to drive private hire vehicles unless they are satisfied that the applicant is a fit and proper person to hold such a licence.

Mr AR and his solicitor were present. Mr AR's solicitor advised that he had been approximately 16 years old when his friend sold him a phone that turned out to be stolen. Mr AR worked at Staples at the time; the store did not consider Mr A.R to be responsible and therefore continued his employment.

The Principal Solicitor advised that Mr AR had received only a warning from the Police regarding the handling of stolen goods.

The solicitor advised that Mr AR deeply regretted the hit and run. A drunk man fell into the car, the man advised the police that he did not wish to press charges and the Police did not pursue the incident, however Mr A.R regretted leaving the man. Mr A.R had not been in trouble since.

Mr AR would only be driving part time as he worked for a credit card company who checked people's backgrounds.

RESOLVED that Mr AR's application for a Combined Driver's Licence be granted.