

Licensing Committee

A meeting of Licensing Committee was held on Tuesday, 17th October, 2006.

Present: Cllr Mrs K F Nelson (Chairman), Cllr K Dixon, Cllr E Johnson, Cllr P Kirton, Cllr K Leonard, Cllr R Rix, Cllr J M Roberts, Cllr F G Salt, Cllr B Woodhead.

Officers: P K Bell, R McKenzie (LD); M Vaines (DNS).

Also in attendance: For Item 3 - D Walker (Secretary of Hackney Carriage Drivers Association); S Slaughter (Hackney Carriage Driver).

Apologies: Cllr C Coombs, Cllr C Leckonby, Cllr L Narroway, Cllr Mrs A Trainer, Cllr Mrs J Wade and Cllr B Woodhouse.

592 Hackney Carriage Table of Fares - Application for increase.

Consideration was given to a report which detailed revised requests for variations to the Hackney Carriage existing Table of Fares.

At the meeting held on Tuesday 25th April 2006 Members decided to defer consideration of a request for a proposed increase in the table of fares from Stockton Hackney Drivers Association. A copy of minute 89, which refers was attached to the report.

The Hackney Association had reviewed this issue and submitted a further proposal for Members consideration. A copy of the letter was attached to the report.

The Association, after long consultation with its members, suggested leaving the flag falls as existing and increasing the rate charged per mile by 10 pence for Tariff 1 i.e. from £1.10 to £1.20 and 15 pence per mile for Tariff 2 i.e. from £1.65 to £1.80. Tariff 3, waiting times, extra and soiling charges to be left at the present rate.

Members were also advised that the current table of fares, a copy of which was attached to the report, was based on a flag fall for the first half mile or part and a unit cost for each following 160 yards or part which equate to the current charge of £1.10 per mile outlined in the Association letter. To accommodate the increase suggested this would require the 10 pence charge for 160 yards to be changed to 10 pence for each 146 yards or part thereof for Tariff 1 and 15 pence for each 146 yards for Tariff 2. The current flag fall of £2.00 and £2.50 remaining the same.

An e-mail had been received from Mr Slaughter, an independent Hackney Carriage Driver, suggesting that consideration be given to abandoning Tariffs 1 and 3 and only having the one tariff charged at all times which would be at the current tariff 2 rate. A copy of this email was attached to the report.

Members were reminded that under the provisions of Section 65 The Local Government (Miscellaneous Provisions) Act 1976 any further variations in the table of fares had to be advertised in the local press and period of 14 days allowed for any objections to be made.

Mr D Walker from the Stockton Hackney Drivers Association and Mr S Slaughter were in attendance at the meeting and were given the opportunity to outline their application and suggestion.

Members were presented with a table of fares which had been published in a recent hackney carriage journal. The table of fares covered the whole country and showed that the Stockton Borough hackney carriage tariffs were in the lower end of the table.

Members felt that proposed increase in the table of fares as submitted by the Hackney Drivers Association was fair and that the proposal made by Mr S Slaughter would be unfair on members of the public that used Hackney Carriages before 12 midnight and in particular the older generation who use Hackney Carriages for shopping and visiting hospitals etc.

RESOLVED that the proposed increase in the table of fares as submitted by the Hackney Carriage Association be advertised in the local press and if no objections are received in the consultation period the proposed increase in the Tables of Fares be approved.

593 The Gambling Act 2005 - Consultation on the Draft Statement of Licensing Principals

Consideration was given to a report which detailed the responses received from the consultations carried out on the Draft Statement of Licensing Principles that the Council, as the Licensing Authority, would apply in exercising its functions under The Gambling Act 2005.

At the meeting held on Tuesday 13th June 2006 Members gave consideration 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 (Minute 246 refers).

At that time Members were advised that the Draft Statement would be subject to full consultation with interested parties prior to being approved by the Council later in the year. This consultation had been carried out and a list of parties consulted was attached to the report together with copies of comments received.

The respondent's comments had been broken down into a table together with an officer response which was attached to the report.

A copy of the Draft Statement of Licensing Principles was also attached to the report.

The Licensing Officer detailed each of the responses that had been received from the consultees. Members felt that there was no need to amend the Draft Statement of Principals or the Scheme of Delegation as all of the issues had already been resolved or were already covered.

RESOLVED that:-

1. The responses received from the consultees be noted.
2. The Draft Statement of Licensing Principals be forwarded to Cabinet for consideration.

594 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 1 and 2 of Part 1 of Schedule 12A of the Act.

595 Hackney Carriage Driver - Mr D J R

Members were informed that Mr D J R had contacted the Licensing Services Office to inform them that he would not be able to attend the meeting as he had to visit a sick relative in Portsmouth.

Members felt that as the matter had been going on for a considerable time the matter should be heard in Mr D J R's absence.

Consideration was given to a report on a driver who had failed to attend the Driver Improvement Scheme, despite electing to do so. The driver was asked to either attend the Scheme or appear before the Licensing Committee as he had 9 penalty points on his DVLA Driving Licence.

At the time of this meeting Mr D J R was a licensed hackney carriage driver. Mr D J R had been licensed with the authority since 1984, and his current licence would expire on 28th February 2007.

On 12th January 2005, a letter was sent to Mr D J R noting that he had 9 points on his DVLA Licence, and offering him the opportunity to either appear before the Licensing Committee or attend the Driver Improvement Scheme. The name and telephone number of the Scheme organiser, Mark Robinson, were included in the letter. A copy of this letter was attached to the report, and a copy of Mr D J R's DVLA licence at this time was attached to the report.

On 10th March 2005 a second letter was sent, as Mr D J R had not responded to the first. Again, he was asked to inform the Licensing Service of his choice. A copy of this letter was attached as to the report.

Having received no confirmation from Mr D J R, on 5th January 2006 a member of Licensing Administration contacted Mark Robinson, who was able to confirm that Mr D J R had not attended the Scheme or made an appointment to do so.

The matter was referred to an Officer, and on 27th February another letter was sent reminding Mr D J R of previous correspondence, and giving him 7 days in which to notify the Licensing Service of his intentions. Mark Robinson's details were again included. A copy of this letter was attached to the report.

Mr D J R's hackney carriage driver's licence was due for renewal on 28th

February, and when he came to collect his new licence on 1st March an Officer spoke to him regarding the correspondence. Mr D J R confirmed that he wished to attend the Driver Improvement Scheme, and claimed that he had spoken to Mark Robinson after he received the first letter and that Mr Robinson had said he would contact him with a date, but had not done so. Mr D J R was advised to contact Mr Robinson again, and to inform the Officer if he received no response.

On 10th March, a letter was sent to Mr D J R requesting that he inform the Licensing Service of his appointment date. A copy of the letter was attached to the report.

As nothing had been heard from Mr D J R, Mark Robinson was contacted again on 29th March. He stated that he had not heard from Mr D J R.

On 26th April, Mark Robinson was contacted and agreed to offer Mr D J R a date for the Scheme by post. On 27th April 2006, Mark Robinson wrote to Mr D J R offering him a date of 1st and 2nd June. The letter was sent by Recorded Delivery. The Licensing Officer also wrote to Mr D J R advising him that if the date offered was inconvenient, he should continue trying to contact Mr Robinson. Copy of this letter was attached to the report.

Mark Robinson was contacted on 8th May, and again on the 18th May, and again confirmed he had received no response from Mr D J R. On 22nd May another letter was sent giving Mr D J R 7 days to contact Mr Robinson, and advising him that failure to do so would result in a referral to the Licensing Committee. A copy of the letter was attached to the report.

On 30th May, Mark Robinson telephoned the Licensing Officer to say Mr D J R had been in touch. He had only just received the letter regarding a date for the Scheme as he had been in hospital, and had arranged an appointment for 22nd and 23rd June.

Mr D J R did not submit his Driver Improvement Scheme assessment sheet as required, and on 17th July Mark Robinson was again contacted to confirm Mr D J R had attended as arranged. He stated that Mr D J R had cancelled because he had a hospital appointment. On 4th August, Mr Robinson confirmed Mr D J R had not booked another date.

On 9th August, the Licensing Officer visited Mr D J R at his home. Mr D J R claimed he was waiting for Mr Robinson to contact him, and was advised he must book a place on the Scheme as soon as possible. As he was not sure he still had Mr Robinson's number, the Officer agreed to ring him the next day with this information, and Mr D J R confirmed that the Licensing Service had his telephone number. He was also given a copy of a letter that would have been left at his home if he had not been there, stating that he did not contact the Officer within 7 days he would be referred to Committee. A copy of this letter was attached to the report.

Upon trying to telephone Mr D J R the following day, the Officer found that the number the Licensing Service had recorded for Mr D J R was incorrect. A further letter was sent asking that he contact the Officer with his current number, and Mark Robinson's number was also included, so that Mr D J R could contact

him directly. A copy of the letter was attached to the report.

Neither Mark Robinson nor the Officer received any response from Mr D J R, and on 30th August a letter was sent informing him the matter would now be referred to Committee. A copy of the letter was attached to the report, and a copy of Mr D J R's current DVLA licence was attached to the report.

Members were 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:-

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;
- (iii) any other reasonable cause.

A copy of the Guidance relating to the relevance of convictions was attached to the report for member's information.

Members requested that the Licensing Officer contact Mark Robinson at the Driver Improvement Scheme to ascertain when the next available places were on the Driver Improvement Scheme. The Licensing Officer contacted Mark Robinson and was informed that the next available places would be on 9th/10th November 2006.

Members felt that Mr D J R had been given every opportunity to attend the Driver Improvement Scheme and that if he did not attend the Driver Improvement Scheme on 9th/10th November 2006 then Members would be mindful to suspend his licence at the next meeting of the Committee.

RESOLVED that Mr D J R be informed that the next available date when he can attend places the Driver Improvement Scheme is 9th/10th November 2006 and that if he does not attend on either of those two dates the matter will be brought back before this Committee and Members will be mindful to suspend his Hackney Carriage Driver licence.