

Licensing Committee

A meeting of Licensing Committee was held on Tuesday, 12th June, 2007.

Present: Cllr Woodhead (Chairman); Cllr Dick Cains, Cllr Mrs Eileen Craggs, Cllr Kevin Faulks, Cllr Miss Tina Large, Cllr Colin Leckonby, Cllr Alan Lewis, Cllr Mrs Kath Nelson, Cllr Maurice Perry, Cllr Fred Salt.

Officers: J Nertney, F Shayler(LD); P Edwards, M Vaines, S Mills (DNS).

Also in attendance: Mr D G; Mr OL & Mr Watson - Representing Mr O L; Mr M F & Mr Ross - Representing Mr M F; Mr A H J.

Apologies: Cllr Ken Dixon, Cllr Paul Kirton, Cllr Lee Narroway, Cllr Roy Rix.

L Declarations of Interest

1/07

Councillor Large declared a personal, prejudicial interest in respect of the Mr D G item as she knew the family of Mr D G.

L Exclusion of the Public

2/07

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

L Application to drive Private Hire Vehicles - Mr D.G.

3/07

Mr D G was not in attendance at the meeting and Officers informed Members that they had not received any notification that Mr D G would not be attending the meeting.

Members felt that the item should be deferred and that Mr D G be informed that if he does not attend the next meeting of the Committee and does not give any reason for his non attendance the matter will be heard in his absence.

RESOLVED that the item be deferred.

L Combined Driver - Mr O.L.

4/07

Consideration was given to the report regarding Mr O L, who was combined Hackney Carriage/Private Hire Driver licensed with this Authority since 1996.

On the 4th December 2006 notification was given from Cleveland Police that Mr O L had received a caution on the 17th November 2006 for Possession of a Class C Drug, namely Cannabis Contrary Section 5(2) Misuse Drugs Act 1971. A copy of the notification was attached to the report as appendix 1.

Mr O L was interviewed on 17th January 2007 regarding the caution he received, a summary of the interview was attached to the report as appendix 2.

Member 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 any of the following grounds: -

(a) that he had 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 failed to comply the provisions of the Act of 1847 or of this part of this Act; or

(b) any other reasonable cause.

A copy of the adopted guidelines relating to the Relevance of convictions was attached as appendix 3 for member's information.

Mr O L was present at the meeting with his solicitor, Mr Watson, and given the opportunity to state his case. A request for this item to be deferred was made by Mr O L as he was awaiting the outcome of his complaint to the Independent Police Complaints Commission.

RESOLVED that the item be deferred and that Mr Watson keep officers informed of his clients complaint to the Police Complaints Commission.

**L
5/07**

Private Hire Operator Licence

Consideration was given to the report regarding Mr M F (Teesvalley Cabs) who was a licensed private hire operator operating from 8 Yarm Lane. The company had traded under various names since 1991 when they traded as County Cars operating from premises at 2 Oxbridge Lane. Since that time the company has taken over other private hire businesses including Alpha Cars who operated from 8 Yarm Lane Stockton.

Teesvalley Cabs operated and had their booking office at 8 Yarm Lane Stockton. Their last private hire operator licence, which had expired on 30th November 2006, authorised them to operate 47 vehicles.

Mr M F had submitted a private hire operator renewal application to operate 32 private hire vehicles as the director of Teesvalley Cabs. A copy of the application was attached to the report at appendix 1.

Mr M F was advised in writing at the time that because of a number of complaints and general non compliance with operator conditions his application would be referred to a meeting of the Licensing Committee for determination and that he could continue to operate his business until a decision had been made.

A copy of the private hire operator's standard conditions was attached at appendix 2 for Member's information.

Since moving his business to Yarm Lane problems had escalated in respect of the alleged soliciting of customers from the street and illegal ranking of his private hire vehicles on both sides of Bridge Road adjacent to and opposite the Swallow Hotel and also into Park Terrace. A plan was attached to the report at

appendix 3. This had resulted in 47 letters of complaint being received from members of the Stockton Hackney Carriage Association. A copy was attached at appendix 4 for Members information. A covering letter received at the time from the Hackney Carriage Association was also included.

Members were reminded that Mr M F's business was situated in an area which was subject to a traffic order which restricted access to through traffic in Yarm Lane with its junction with the High Street and Prince Regent Street, from 22:00 until 05:00 hours on a weekend when barriers prevent vehicular access. Members were referred to attached plan appendix 3. This order was introduced following public consultation and representations made in respect of crime and disorder in the area. The traffic order commenced in November 2004. This restriction was considered to be the main reason why Mr M F required his drivers to park their vehicles on Bridge Road as it was in close proximity of his booking office.

Members were advised prior to the commencement of this traffic order similar problems occurred with vehicles double and triple parking on Yarm Lane and to date those problems were still apparent when the traffic order was not in operation.

Mr M F had been advised and warned regarding this behaviour on several occasions both verbally and in writing since 2005. A copy of the letter was attached at appendix 5.

Mr M F had also attended a meeting with the trade, Council Officers and Police on the 19th October 2006, when this was discussed again. He had also attended meetings with the Head of Community Protection. Despite warnings problems were still occurring. Night time enforcement had been increased in this area both through high visibility and test purchase operations which had resulted in Mr M F being prosecuted on the 27/01/06 for employing an unlicensed driver and further investigations were still ongoing. In addition Mr M F attitude towards officers on 3 separate occasions during enforcement operations had been both uncooperative and aggressive.

Friction between licensed hackney carriage drivers had also escalated which had recently resulted in an alleged assault by a Teesvalley employee on a hackney carriage driver and Mr M F was being investigated by Cleveland Police for alleged criminal damage to his property, namely a mobile phone.

Since the issue of Mr M F last operator licence 23 complaints had been received regarding Teesvalley Cabs, a break down of which was attached at appendix 6. Investigations into some of the complaints had involved formal requests being made to Mr M F to produce booking records and/or other documentation, which were required to be kept under the conditions of his licence, and produced when requested under the Act. Mr M F had been uncooperative on occasions in complying with requests in either delaying the production of records and in certain cases refusing to produce the information.

Members were reminded that under the provisions of Section 62(1) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend or revoke, or (on application therefore under section 55 of this Act) refuse to renew an operator's licence on any of the following grounds:-

- (a) any offence under, or non-compliance with, the provisions of this Part of this Act;
- (b) any conduct on the part of the operator which appeared to the council to render him unfit to hold an operator's licence;
- (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence were granted ;
or
- (d) any other reasonable cause.

Mr M F was in attendance with his solicitor Mr Ross and was given the opportunity to state his case.

Following consideration of the evidence offered the Committee expressed their concern at Mr M F's apparent disregard to the conditions, subject to which his licence had been approved, his operational methods in ranking his vehicles in restricted areas and his lack of co-operation when dealing with officers.

Having given serious consideration to the options available to them under the above mentioned legislation Members decided on this occasion to renew Mr M F's private hire operator's licence. However, this was subject to a strict warning as to his future conduct. Whilst there had been some evidence of slight improvement members were of the opinion there was still scope for a further improvement on Mr M F's part and on this basis expected him to develop a closer working relationship with officers to ensure full compliance with legislation.

RESOLVED that on this occasion to renew Mr M F's private hire operator's licence. However, this is subject to a strict warning as to his future conduct.

**L
6/07**

Hackney Carriage Driver - Mr A.J.

Consideration was given to Mr A J's renewal application form on which he had declared he had received 3 penalty points for the offence of SP30, which had exceeded the statutory speed limit on a public road 9 July 2006. Also a further offence of SP30 on 27 March 2007. A copy of Mr A J's renewal application form and DVLA Licence was attached at appendix 1.

Mr A J was interviewed on 31 May 2007 regarding the undeclared motoring convictions, a copy of the interview was attached at appendix 2.

Mr A J had several previous warnings for failing to declare motoring convictions in the past on 10 December 1998, 16 December 1999, and again on 5 May 2004. Copies of these letters were attached at appendix 3.

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 any of the following grounds:

(a) that he had 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 failed to comply the provisions of the Act of 1847 or of this part of this Act; or

(b) any other reasonable cause.

A copy of the adopted guidelines relating to the Relevance of convictions was attached at appendix 4 for member's information.

Mr A J was in attendance and was giving the opportunity to state his case.

The Committee had regard to the report and appendices, as well Mr A J's mitigation and remorse. The Committee noted Mr A J assurance that he would advise the Council should he receive any convictions, driving or otherwise in the future. He was obliged to notify the Council within seven days of any conviction.

The Committee made Mr A J aware that his driving record and the fact that he had failed to declare those convictions called into question his continued fitness to hold a licence. However the Committee decided to give Mr A J a final chance.

RESOLVED that Mr A J's licence be renewed with a severe warning as to his future conduct.