

Licensing Committee

A meeting of Licensing Committee was held on Tuesday, 9th October, 2007.

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

Officers: J. Nertney, M. Henderson (LD); M. Vaines, S. Mills (DNS)

Also in attendance: Mr. F. Hayes (Chairman of Standards Committee)
Mr M.A and his Solicitor, Mr O.L

Apologies: Cllr P. Kirton and Cllr R. Rix

L 28/07 Exclusion of Public

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 29/07 Private Hire Operator - TV

Members were informed of the circumstances that prevented the Operator involved in this case, and his Solicitor, being in attendance at the meeting.

RESOLVED that this matter be deferred to a special meeting of the Licensing Committee.

L 30/07 Hackney Carriage Driver - Mr M.A.

The Committee considered a report that provided information relating to a conviction imposed on a licensed Hackney Carriage Driver. Members were asked to consider the facts of the case and determine what action to take.

It was explained that the Driver had been convicted of the Fraudulent Evasion of Income Tax and had been sentenced to a conditional discharge of 18 months and ordered to pay the full amount owed as well as £100 court costs. Mr M. A. had informed the Council of the conviction and a copy of his letter of notification was provided.

Subsequently Officers acquired specific details of the conviction and interviewed Mr M.A. about the matter. A transcript of the interview was provided to the Committee as was an e mail from the Inland Revenue and Customs relating to the offence.

The Committee was reminded of the legislation relating to this matter and were provided with the Council's adopted guidelines on Relevance of Convictions.

Mr M.A. and his Solicitor were present at the meeting and were given the opportunity of making representations to the Committee.

The Committee heard that Mr M.A was deeply ashamed of the conviction and

noted that he had been a licensed driver for many years, without any previous problems.

The Committee noted that Mr M.A had advised the Council of his conviction promptly and had also settled the outstanding balance with HM Revenue & Customs.

Members were given the opportunity of asking questions.

Following this the Committee confirmed that it felt it had gathered sufficient information and requested that Mr M.A, his Solicitor, and Officers present, other than those Officers from Law and Democracy, leave the meeting whilst a decision was reached.

The Committee considered that the conviction represented a breach of the Council's adopted guidelines on the Relevance of Convictions and there were sufficient grounds, under relevant legislation, to revoke Mr M.A's Hackney Carriage Drivers Licence. The Committee agreed that holding a hackney carriage licence was a position of trust and holders of such licences were expected to be honest in both their business and personal lives. However, the Committee took into account the fact that Mr M.A had been a licensed driver for 21 years and there had not been any complaints about him in the past. In addition Mr M.A had notified the Council immediately following his conviction and had taken steps to pay all monies owed.

In view of this the Committee resolved to issue a severe warning as to Mr M.A's future conduct.

RESOLVED that :-

1. a severe warning letter be issued to Mr M.A as to his future conduct.
2. the warning letter be kept on Mr M.A's drivers file and that it be taken into consideration should any further matters relating to his conduct be brought to the Committees attention.

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Combined Driver - Mr O.L.

Prior to consideration of this matter Mr O.L explained that his Solicitor had not been available to attend the meeting and he therefore requested that the Committee defer this matter for consideration at a future meeting, when his Solicitor would be in attendance.

The Committee noted that Mr O.L had been provided with a copy of the Committee Report and details of the time and date of the meeting on 1st October 2007. The Committee therefore were of the opinion that he had had sufficient time to obtain legal advice and ensure attendance of a Solicitor. The Committee agreed that consideration of the matter should proceed.

Members noted that this matter had been deferred from a Licensing Committee held on 19th April 2007.

The Committee noted that Mr O.L. was a licensed combined Hackney

Carriage/Private Hire Driver and had received a Police caution relating to the Possession of a Class C Drug.

It was explained that the Council had received notification of the caution, from Cleveland Police, on 4th December 2006 and a copy of the notification was provided to Members.

Subsequently, Mr O.L was interviewed by Council Officers. A transcript of the interview was provided to the Committee.

The Committee was reminded of the legislation relating to this matter and was provided with the Council's adopted guidelines on Relevance of Convictions.

Mr O.L was given the opportunity of making a representation to the Committee.

Mr O.L maintained that the drug, a small amount of cannabis, found in his garage was not his and he didn't know how it had got there. He explained that the garage contained a snooker table and friends had access in order to play. Mr O.L claimed that the Police had advised him that, as the drug had been found on his premises, he was the responsible person. In the light of this advise he had accepted a caution.

Members were given the opportunity of asking questions and Mr O.L indicated that he did not take illegal drugs and was willing to take a drugs test.

Following this the Committee requested that Mr O.L and Officers present, other than those Officers from Law and Democracy, leave the meeting whilst a decision was reached.

RESOLVED that Mr O.L submit to a drugs test at the earliest opportunity and the result, or any delays in the test being carried out, be reported back to the Committee.