

Licensing Committee

A meeting of Licensing Committee was held on Thursday, 21st October, 2010.

Present: Cllr Bill Woodhead (Chairman); Cllr Dick Cains, Cllr Miss Tina Large, Cllr Alan Lewis, Cllr Mrs Ann McCoy, Cllr Mrs Kath Nelson, Cllr Maurice Perry, Cllr Roy Rix and Cllr Fred Salt.

Officers: L Maloney, M Vaines (DNS); P K Bell, J Douglas (LD).

Also in attendance: Mr C D for agenda item 8 - Private Hire driver Mr C D; Mr Z G, Mrs G (Wife of Mr Z G), Mr Catterall (Jacksons Solicitors Representing Mr Z G) for agenda item 9; Mr F F for agenda item 10 - Private Hire driver Mr F F; Mr W C for agenda item 11 - Private Hire Driver Mr W C; Mr M Z and Mr F (Tees Valley Cabs), Mr Wilson (A2Z Licensing - Representing Tees Valley Cabs) for agenda items 14, 15, 16, 17, 18, 19, 20 - Accident Damaged Vehicles; Mr K (North East Executive) for agenda items 21, 22, 23, 24, 25, 26 - Accident Damaged Vehicles.

Apologies: Cllr Mrs Eileen Craggs, Cllr Ken Dixon, Cllr Paul Kirton, Cllr Jean Kirby and Cllr Colin Leckonby.

L Declarations of Interest

58/10

Councillor Mrs McCoy declared a personal non prejudicial interest in respect of agenda item 8 - Mr Z G as she was a member of Tees, Esk and Wear Valleys NHS Foundation Trust.

L Review of Statement of Licensing Policy

59/10

Consideration was given to a report on a review of the Statement of Licensing Policy.

The Council was required by the Licensing Act 2003 to review its Statement of Licensing Policy at least every three years. Council approved the current Statement of Licensing Policy in December 2007. The report detailed the results of consultation on a draft-reviewed statement of licensing policy.

The Licensing Act 2003 required the Council to review its Statement of Licensing Policy at least every three years. Council approved the current Statement of Licensing Policy in December 2007. The policy had received no adverse comments since the transfer of licensing functions to the authority and it was not felt necessary to make any major changes. The draft-reviewed policy as sent out for consultation was attached to the report.

Consultation was undertaken with the following:-

- a. Cleveland Police Force;
- b. Cleveland Fire Brigade;
- c. Existing Premise Licence holders;
- d. Existing Club Premise Certificate holders;
- e. Existing Personal License holders;
- f. Representatives of businesses and residents in the Stockton Borough Council area;
- g. The Local Safeguarding Children's Board;
- h. Trade bodies and Associations; and
- i. A number of Solicitors Practices who undertake licensing work in this area.

The Licensing Unit had received no comments on the proposed Statement of

Licensing Policy from any of the consultees.

Members were given the opportunity to ask questions and make comments on the proposed Statement of Licensing Policy.

RESOLVED that:-

1. The draft review Statement of Licensing Policy be noted.
2. The Members comments on the draft review be included in a report to Cabinet/Council for final approval of the reviewed Statement of Licensing Policy.

**L
60/10**

Licensing of Sexual Entertainment Venues

Consideration was given to a report that asked Members to consider the adoption of the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 by Section 27 of the Policing and Crime Act 2009. This introduced a Licensing regime for "sexual entertainment venues" such as lap dancing.

The report further proposed that members consider consulting on a draft policy for sex establishments if it was decided to adopt the new regime. This would give the Council clearer control over issues such as suitability of applicants, the number of establishments and where they can be located.

Section 27 of the Policing and Crime Act 2009 came into force on 6th April 2010 and amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Schedule 3 was adoptive legislation and would only apply to the Borough if the Council resolved to adopt the amended Schedule 3.

The government had found it necessary to amend the 1982 Act because there was concern about the number of lap dancing establishments and similar such establishments opening across the country. No licence specific to this type of entertainment was required to be able to provide such entertainment. This was because this type of entertainment was classed as "dancing" or entertainment similar to dancing and therefore could be licensed under the auspices of a Premises Licence or Club Premises Certificate under the Licensing Act 2003 (the "2003 Act"). The 2003 Act as appreciated was designed to primarily licence the supply of alcohol and regulated entertainment (what was previously public entertainment).

Under the 2003 Act, Licensing Authorities could only impose controls on lap dancing establishments or striptease premises if a representation had been made in relation to that application and the Licensing Authority considered it necessary to either refuse the application or impose restrictions on the licence if necessary to promote the four licensing objectives under the 2003 Act. For a number of reasons, it would prove difficult for Licensing Authorities to refuse an application for such a licence without evidence (as opposed to speculation) that granting such a licence would harm any of the licensing objectives.

This was exacerbated by the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 that must be consulted whenever a 2003 Act application for a licence was made. Insofar as lap dancing was concerned

paragraph 2.17 of the Guidance states:-

"The Indecent Displays Act 1981 prohibits the public display of indecent matter, subject to certain exceptions. It should not therefore be necessary for any conditions to be attached to licences or certificates concerning such displays in or outside the premises involved. For example, the display of advertising material on or immediately outside such premises is regulated by this legislation. Similarly, while conditions relating public safety in respect of dancing may be necessary in certain circumstances, the laws governing indecency and obscenity are adequate to control adult entertainment involving striptease and lap dancing which goes beyond what is lawful. Accordingly, conditions relating to the content of such entertainment which have no relevance to crime and disorder, public safety, public nuisance or the protection of children from harm [the four licensing objectives under the Licensing Act 2003] could not be justified. In this context, however, it should be noted that it is in order for conditions relating to the exclusion of minors or the safety of performers to be included in premises licence or club premises certificate conditions where necessary. The Local Government (Miscellaneous Provisions) Act 1982 insofar as its adoptive provisions relate to sex establishments, sex shops, sex cinemas and in London sex encounter establishments – also remains in force."

That paragraph of the Guidance thus made it clear that Licensing Authorities should be slow to impose conditions on lap dancing establishments etc. and that they were advised that existing legislation was in place to deal with any problems that may be caused by such establishments. Particular reference was made in the Guidance to sex shops and sex cinemas in the context of the 1982 Act. Up until this point, other than in London, sexual entertainment venues like lap dancing establishments were not captured by the 1982 Act.

Clearly, parliament had found it necessary to deal specifically with the issue of lap dancing and striptease entertainment and the licensing of such entertainment.

Although there was no statutory requirement to have a policy concerning Sexual Entertainment Venues, it may be helpful for a policy to be introduced after consultation with the appropriate bodies and individuals. The policy may include consideration being given to the number of such establishments, if any, in various locations in the Borough and the requirements that would be expected to be in place before any such licence was granted.

Schedule 3 Paragraph 4 of the Policing and Crime Act 2009 related to the issue of consultation in terms of adopting the amended Schedule 3 of the 1982 Act. If the Council had not adopted Schedule 3 by 6 April 2011 then there is a requirement for the Council to "as soon as reasonably practicable, consult local people about whether the local authority should make such a resolution". "Local people" are defined as persons who live or work in the Borough.

Although there was no statutory duty to consult on the adoption of the amended Schedule 3 at this stage, the Home Office had issued Guidance on the licensing of sexual entertainment venues and paragraph 3.8 in the Guidance states:-

"While there is no statutory duty to do so, [consult] prior to deciding whether to pass a resolution, local authorities may, as a matter of good practice, wish to

seek the views of local people and businesses. The Secretary of State also encourages local authorities to engage with known sexual entertainment venues at the earliest possible opportunity once a decision to adopt the provisions has been made, to ensure affected businesses are aware of what action they will need to take in order to comply with the new regime".

Given the impact that this new licensing regime would have on existing venues and the part that the wider community can have in influencing the licensing or otherwise of such establishments, it was considered sensible by officers for there to be consultation before the adoption of the new Schedule 3. A short consultation questionnaire was sent to:-

- Cleveland Police Force;
- Cleveland Fire Brigade;
- Existing Premise Licence holders;
- Existing Club Premise Certificate holders;
- Existing Personal License holders;
- Representatives of businesses and residents in the Stockton Borough Council area;
- The Local Safeguarding Children's Board;
- Trade bodies and Associations; and
- A number of Solicitors Practices who undertake licensing work in this area.

Eighteen responses to the questionnaire were received and were summarised as an appendix to the report.

RESOLVED that:-

1. The outcome of the consultation undertaken so far be noted.
2. The Council be requested to adopt the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009, to allow the licensing of sexual entertainment venues.
2. The preparation of a draft Sexual Entertainment Policy be prepared for consultation with relevant parties.

L Licensing Act 2003 - Minor Variation Applications

61/10

The purpose of this report is to inform Members of the delegated decisions that have been taken by officers in relation to minor variation applications under the Licensing Act 2003 for the period April – September 2010.

At the meeting held on 27 April 2010 Members considered a report on the number of minor variation applications determined by officers under the Licensing Act 2003 using delegated powers.

At that meeting Members agreed that there be no change to the delegated powers but requested that future update reports provide more details of applications that had been refused.

Members were advised that since the last report a further nineteen applications

for minor variations had been received of which one had been refused. A list of the premises that had been subject to minor variation applications was attached to the report.

The one that was refused was in respect of an application to extend the trading hours of a premise licensed for late night refreshment up until 02.30am on a Friday and Saturday nights and involved the potential to impact adversely on the public nuisance objectives. The existing trading hours had been restricted to 00.30am at a previous Licensing Sub Committee hearing following an objection from local residents. A copy of the application was attached to the report for Members information.

RESOLVED that the report be noted.

L **The Licensing Protocol**

62/10

Due to time constraints Member decided to defer this item.

RESOLVED that the item be deferred.

L **Exclusion of the Public**

63/10

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 **Private Hire Driver - C.D.**

64/10

Consideration was given to a report on a renewal application from a private hire driver who had since the grant of his licence provided a positive drugs test sample to officers of this Council and is currently suspended.

Mr C D became a licensed Private Hire Driver with the Authority on 4th September 2007, his licence expired on the 30th September 2010, and a copy of his renewal application form was attached to the report.

On the 31st August 2010 an anonymous complaint was received, the complainant alleged that Mr C D was using drugs after work at the weekends.

On 10th September 2010 Mr C D was contacted by the licensing department and requested to attend 16 Church Road to discuss a complaint. Mr C D attended and was advised about the complaint that had been made against him and he was asked if he was willing to provide an oral fluid sample for a drug screening test that may either prove or disprove the complaint.

An oral fluid sample was provided by Mr C D for the drugs test procedure and this test revealed that Mr C D had provided a positive oral fluid sample for cocaine. Mr C D signed for the initial test result and was given a copy print out his information.

As Mr C D had provided a positive sample he was requested to provide a further oral fluid sample which would be divided into two sealed samples and

sent to the Cozart laboratory for analysis. Mr C D agreed and provided a further oral fluid sample under a full chain of custody procedure which was sent to the Cozart laboratory.

On the 14th September 2010 a certificate of analysis was received from Cozart which confirmed a positive result for both benzoylecgonine and cocaine which the Medical Review Officer verified as positive and the presence of both drugs in the oral fluid sample being consistent with the use of cocaine prior to the sample collection. During a conversation with the Medical Review Officer on 30th September 2010 Dr Samuel confirmed that benzoylecgonine was cocaine and would not form part of or be found in any "legal high" that can be bought. A copy of the analysis certificate was attached to the report.

The positive result was considered to be "sufficient reasonable" cause under the provisions of section 61(1)(b) Local Government (Miscellaneous Provisions) Act 1976 to suspend Mr C D private hire drivers licence with immediate effect. A copy of the notice was attached to the report.

Mr C D had 6 live DVLA points on his DVLA licence, for two counts of SP30 exceeding the statutory speed limit on a public road on the 31st October 2008 and 7th October 2009. A copy of Mr C D's DVLA licence was attached to the report.

Mr C D had received no complaints from members of the public but Licensing Officer Craig Barnes issued a warning letter and six licensing penalty points on 9th October 2007 after witnessing poor driving. A copy of this warning letter was attached to the report.

Members were advised that Mr C D still remained suspended.

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 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.

and Section 61(2)

(A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section,

(B) If it appears in the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the

driver under subsection (2) (a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

Mr C D was in attendance at the meeting and was given the opportunity to state his case.

Members listened carefully to what Mr C D had to say in relation to the matters disclosed. Members felt that Mr C D had shown genuine remorse for the incident and that he appeared to be deeply ashamed for what he had done.

Members agreed to grant the renewal of Mr C D private hire licence subject to him submitting a hair sample for drugs analysis, at his own cost. On grant of his licence Mr C D would also be subject to random drugs testing with the first two tests at his own cost. Refusal to submit to testing would result in the matter being heard before the Licensing Committee.

RESOLVED that Mr C D's renewal application for private hire licence be granted subject to Mr C D submitting a hair sample for drugs analysis, at his own cost. On grant of his licence Mr C D would also be subject to random drugs testing with the first two tests at his own cost.

**L
65/10 Application For a Combined Private Hire/Hackney Driver Licence - Z.G.**

Consideration was given to a report on the suitability of an applicant for a combined hackney carriage and private hire drivers licence, who had previously had his licence revoked.

An application for a combined hackney carriage and private hire drivers licence had been received from Mr Z G. A copy of the application was attached to the report.

Mr Z G was licensed with the Authority from August 2006 until December 2009. During that time he received a number of customer complaints concerning his attitude and behaviour, which resulted in him appearing before the Committee on 22nd December 2009.

At the meeting in December 2009, Members decided to revoke Mr G's combined hackney carriage and private hire licence. Minute L 70/09 that referred and a copy of the decision letter was attached to the report.

In November 2007, Mr Z G was advised to seek help for his attitude problem and was advised to undertake an Anger Management Course. This was advisory and not mandatory and Mr Z G did not follow this advice. However, in January 2010, following the revocation of his combined hackney carriage and private hire drivers licence Mr Z G did pursue an Anger Management Course and copies of letters from "Awaken Consulting" were attached to the report.

An important part of the vetting process was to undertake a Criminal Record Bureau check. Mr Z G's CRB had been returned and revealed no convictions. Mr Z G's DVLA licence showed one conviction, for speeding in November 2005. A copy of the DVLA licence was attached to the report.

A copy of the adopted guidelines relating to the Relevance of convictions was attached to the report.

Members were respectfully reminded that under the provisions of section 51(1)(a) of the Local Government (Miscellaneous Provision) Act 1976, District Councils are instructed 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 Z G, his wife and his solicitor (Mr S Catterall - Jacksons Solicitors) were in attendance at the meeting and were given the opportunity to state their case. Mr Z G handed out for Members information a copy of his discharge notice, NVQ certificate, Barclay Card statements and a repossession notice.

The Licensing Officer verbally informed Members that she had taken a phone call on the morning of this meeting from an operator at Royal Cars who had informed her that Mr Z G had called Royal Cars and asked for a reference. When the operator had informed him that the reference was not available Mr Z G had become verbally abusive. Members then questioned Mr Z G about the incident with Mr Z G responding that he had phoned Royal Cars to ask for a reference but he had not been verbally abusive to the operator. As Members had no written evidence from the operator of Royal Cars Members felt that the incident should be investigated further by Licensing Officers.

Members then further questioned Mr Z G about the therapy sessions he had undertaken with Awaken Consultants. Members asked why Mr Z G had used Awaken Consultants and not the NHS. Mr Z G responded that there was a long waiting list for the NHS and Awaken Consultants had been recommended to him.

Members requested that Licensing Officers investigate the credentials of awaken consultants as they had no evidence on which they could accept the two letters that had been received from awaken consultants.

Members agreed to defer the item to enable the Licensing Officers obtain evidence on the above two points.

RESOLVED that the item be deferred.

**L
66/10**

Private Hire Driver - F.F.

Consideration was given to a report on a licensed Private Hire Driver who was arrested for affray and possessing an offensive weapon in a public place. Subsequently Mr F F received a caution for using threatening, abusive, insulting words or behaviour with intent to cause fear or provocation of violence, and did not inform the Licensing Unit of the caution as per his licence conditions.

Mr F F was a Private Hire Driver with the authority, driver badge number DRV 909 and had been licensed with the Authority since 28th October 2008. His licence was due to expire on 31st October 2010.

On the 3rd March 2010 the Licensing Unit received a phone call from PC Paul Taylor who had concerns regarding Mr F F who had been arrested for affray

and possession of an offensive weapon in a public place. When police attended the incident Mr F F was repeatedly asked to drop his weapon but would not surrender and had to be threatened with taser guns. PC Taylor was concerned because in interview Mr F F openly admitted to police that he would carry a weapon again.

On the 8th March 2010 the Licensing Unit received notification from Cleveland Police Notifiable Occupations Scheme confirming Mr F F had been arrested for affray and possession of an offensive weapon in a public place. The circumstances of the incident being on 2nd March 2010 at Newport Road, Middlesbrough, during a disturbance between taxi drivers and members of the public Mr F F was found to be in possession of a snooker cue. Mr F F was returning to his vehicle after members of the public reported they had been beaten by iron bars a copy of the Police Notification was attached to the report.

Following his return from Iraq Mr F F was interviewed on 29th April 2010 regarding the arrest a summary of the transcript of the interview was attached to the report.

Mr F F claimed he was protecting himself by taking a snooker cue from the boot of his vehicle when he witnessed an altercation between two males and a taxi driver. Police attended the incident and Mr F F was arrested when officers witnessed he had a weapon in his possession. Mr F F confirmed the information received from the PC Taylor that he had to be repeatedly asked and a taser Gun had to be trained on him before he would drop his weapon.

On the 30th June 2010 this office received notification from Cleveland Police Notifiable Occupations Scheme that on 24th May 2010 no further action would be taken for the offences of affray and possession of an offensive weapon in a public place, but Mr F F received a caution for using threatening, abusive, insulting words or behaviour with intent to cause fear or provocation of violence, and did not inform the Licensing Unit of the caution in writing within 7 days as per his licence conditions. A call to the Police Disclosure team confirmed this caution was for the same incident detailed above. A copy of the Police Notification was attached to the report.

Following his return from Libya Mr F F was interviewed on 12th August 2010 regarding the conviction a summary of the transcript of the interview was attached to the report.

Mr F F claimed he was not at fault and he was "forced" and "tricked" into signing a caution by PC Taylor also that he had problems with reading and did not realise exactly what he was signing. Mr F F blamed his problems with writing for not informing the Licensing Unit of the caution.

Mr F F had received no complaints from members of the public, however in September 2009, the Licensing Unit received statements from two Middlesbrough Council Licensing Officers with regard to the obstruction to provide information and the attitude of Mr F F. The Licensing Officers claimed that on two occasions during routine enforcement duties they had had cause to speak to Mr F F. On both occasions Mr F F had insisted Middlesbrough Licensing Officers had no right to question Stockton licensed drivers and had initially refused to provide his driver details when asked and added that if

stopped by officers again he would not provide his details a third time. On both occasions a police officer had been present and had had to intervene when Mr F F's behaviour escalated. Mr F F was interviewed on 28th October 2009 regarding this complaint and on the 17th December 2009 a written warning was issued and three licensing penalty points to Mr F F for his poor attitude and failure to provide information to Middlesbrough Licensing Officers. A copy of this letter was attached to the report.

A copy of the adopted guidelines on the Relevance of Convictions 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 any of 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.

Members were also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 as follows:-

(2a) Subject to subsection (2b) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section

(2b) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

Mr F F was in attendance at the meeting and was given the opportunity to state his case.

Members listened carefully to what Mr F F had to say with regard to the matters disclosed.

Members deliberated over their decision as to whether they were satisfied at this time whether Mr F F was still a fit and proper person to hold a licence. Members on this occasion agreed to issue Mr F F with a final written warning as to his future conduct and added they are not happy with Mr F F's attitude and found his behaviour towards authority to be abrasive.

With this in mind Members also requested Mr F F sign an acknowledgement in front of a Licensing Officer that he would in future cooperate at all times with

Licensing Officers and all their affiliates such as Cleveland Police and Middlesbrough Council Officers. Such officers had a right to ask to see Mr F F's documents and refusal to cooperate with any reasonable request may be reported back to the Licensing Committee.

RESOLVED that:-

1. Mr F F be issued with a final written warning as to his future conduct.
2. Mr F F sign an acknowledgement in front of a Licensing Officer that he would in future cooperate at all times with Licensing Officers and all their affiliates such as Cleveland Police and Middlesbrough Council Officers.

**L
67/10**

Private Hire Driver - W.C.

Consideration was given to a report on a licensed Private Hire Driver who received a conviction for destroying or damaging property (at a value of £5000 or less) and possessing an offensive weapon in a public place and did not inform the Licensing Unit as per his licence conditions.

Mr W C was a licensed private hire driver and had been since 30th October 2007, his licence was due to expire on 30th November 2010.

On the 9th June 2010 the Licensing Unit received notification of a conviction from Cleveland Police Notifiable Occupations Scheme. The circumstances of the incident being on 6th March 2010:-

1. Mr W C approached his ex partners vehicle and used an iron bar to strike it numerous times causing damage before making off.
2. Mr W C used a home made extendable baton to cause damage to a motor vehicle.

On the 13th March 2010 Mr W C appeared at Teesside Magistrates Court for the offences of:-

1. Destroy or damage property (value £5000 or less)
2. Possessing an offensive weapon in a public place.

Sentencing was postponed until 8th April 2010 when Mr W C received the following convictions:-

1. Supervision Requirement, a Community Order until 7 April 2011, Costs £85.00, Compensation £400.00
2. Supervision Requirement, Community Order 7.04.2011 and forfeiture & Destruction.

A copy of the Police Notification was attached to the report.

Mr W C was interviewed on the 22nd July 2010 regarding the complaint a summary of the transcript of the interview was attached to the report.

Mr W C confirmed that he had used an iron bar to damage his estranged wife's

vehicle after their relationship had deteriorated. Mr W C was using a licensed Boro Taxi but did not have a passenger at the time of the incident. When asked why he had not informed the Licensing Unit of his conviction within 7 days Mr W C said he was very embarrassed about the incident and wanted as few people to know about the incident as possible.

On 28th and 7th September 2010 Mr W C's estranged wife made two statements regarding the incident on 6th March 2010. In the statements Mrs C says Mr W C used an extendable metal cosh to damage her vehicle, police confirmed to her that the vehicle had been hit 26 times. The vehicle was damaged on all sides and the rear window smashed, the vehicle then had to be written off. Mrs C stated this cosh was made for Mr W C by a friend when he first became a licensed taxi driver and that he kept this weapon in his vehicle when he was working. In addition Mrs C added that in September 2009 Mr W C told her about an incident when he had used the metal cosh to assault a customer outside the Wobbly Goblin in Stockton, when the customer tried to pay the taxi fare with a betting slip, police made enquires into the incident, but she alleged other taxi drivers covered for Mr W C. Copies of the statements were attached to the report.

Mr W C was further interviewed on the 22nd September 2010 regarding the weapon used, Mr W C claimed he found the iron bar in the street and did not carry a weapon in his vehicle. After the interview Licensing Officers searched Mr W C's vehicle and no weapon was found. A summary transcript of the further interview was attached to the report.

Mr W C was granted his private hire driver licence in 2007 with oral advice from a Licensing Officer due to historical convictions, to remind him of his future conduct and to reiterate the position of trust he is placed in as a taxi driver. When questioned about his historical convictions in interview on 22nd September 2010 Mr W C stated that he was convicted of GBH in 1987 when he was 18 or 19 years old and he beat someone up.

Since the grant of his private hire driver licence Mr W C had received two SP30 motoring convictions for exceeding the statutory speed limit on a public road on 19th June 2008 and 1st September 2009, and had 6 live penalty points on his DVLA driving licence and was issued with 3 licensing penalty points on 24th June 2010 after failing to notify the Licensing Unit of the SP30 on 1st September 2010. A copy of Mr W C's driving licence was attached to the report.

There had been no complaints made by members of the public regarding Mr W C, however he was spoken to by Licensing Enforcement Officers for smoking in his vehicle on 25th March 2010.

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 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.

Members were also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 as follows:-

(2a) Subject to subsection (2b) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section

(2b) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

A copy of the adopted guidelines on the Relevance of Convictions was attached to the report.

Mr W C had been invited to attend today's meeting. Mrs C was also invited to attend however she has provided a letter from Amanda Binks who was her key worker at Harbour asking that Mrs C did not attend due to the emotional pressure she is under. A copy of this letter was attached to the report.

Mr W C was in attendance at the meeting and was given the opportunity to state his case.

Members listened carefully to what Mr W C had to say with regard to the matters disclosed. As Mrs C did not attend, Members considered the statements provided by her in her absence and to Mr W C's counter allegations.

Members deliberated over their decision as to whether they were satisfied at this time whether Mr W C was still a fit and proper person to hold a licence. Members agreed on this occasion to issue Mr W C with a severe written warning as to his future conduct. Members added that the kind of behaviour expressed by Mr W C on 6th March 2010 would not be tolerated and requested that Mr W C be brought back before the Licensing Committee in 6 months time, when Mr W C's licence would be reviewed.

RESOLVED that:-

1. Mr W C be issued with a severe written warning as to his future conduct.

2. Mr W C be brought back before the Licensing Committee in 6 months time, when Mr W C's licence would be reviewed.

**L
68/10**

Combined Driver - D.M.

The Licensing Officer informed Members that Miss L F (Witness) could not attend the meeting due to illness. Members decided to defer the item to a future

meeting of the Committee.

RESOLVED that the item be deferred.

L **Application For A Private Hire Driver Licence - J.A.**

69/10

The Licensing Officer requested that the above item be deferred.

RESOLVED that the item be deferred.

L **Accident Damages Vehicles - Tees Valley Cabs Ltd**

70/10

Consideration was given to a report on requests from a licensed private hire operator, asking that the Council depart from and relax the Private Hire and Hackney Carriage Licensing Policy requirements relating to accident damage and its application to seven of the company's existing licensed private hire vehicles with effect from their next licence renewal in October 2010.

At the meeting held on 23th august 2010 members considered a request from Mr Wilson of a2zLicensing on behalf of the applicant, a licensed private hire operator, and other members of the taxi trade for grandfather rights to be granted to all existing accident damaged licensed vehicles. Members determined not to grant grandfather rights to all vehicles and that each request for dispensation would be considered individually on its own merits. Minute L 30/10 referred.

The applicant was advised of this decision in writing on 27th August 2010 and when he was invited to make individual request in respect of his client's vehicles. A copy of this letter was attached to the report.

On 27th September 2010 applications were received from the applicant for the renewal of two accident damaged hackney carriage vehicles without any further request for consideration to depart from the policy requirements. As these vehicles did not meet the policy requirements officers using delegated powers, in consultation with the Chairman, refused the applications. A copy of one of the refusal letters was attached to the report.

Mr Wilson sent a letter of reply dated 8th October 2010 on behalf of the applicant, a copy of which was attached to the report. In this letter financial reasons were offered as reasons for departing from the policy and suggestions on how to proceed with both the hackney carriage refusals and the pending private hire vehicle renewals were also given.

Officers, following consultation with legal services, advised Mr Wilson that it was a matter for his client to decide what action to take in respect of the decision taken to refuse his accident damaged hackney carriage licences and that submissions in respect of his accident damaged private hire vehicles would be considered on their individual merits and that arrangements had been made to accommodate them at the meeting. A copy of the letter was attached to the report.

Further supporting letters dated 12th and 14th October 2010 were received from Mr Wilson on behalf of the applicant detailing financial losses and investments

in licensing other new and or replacement private hire, hackney carriage and public service vehicles and copies were attached to the report. Whilst it had been agreed that the reasons submitted for departing from the Council policy were the same for each accident damaged vehicle, Members were respectfully advised that they would need to make a determination in respect of each individual vehicle. Seven requests/renewal applications had been received and details of each of these were submitted as separate reports.

Members were advised that the applicant informed the Council of their interest in another taxi company in June 201 year. In the lists of vehicles referred to in the letter of 14th October Members were advised that in respect of the 21 vehicles taken out of service only two required replacement as a result of being suspended and /or revoked, one was not a licensed vehicle and the rest were 'live' licences. In respect of the list of 9 private hire vehicles licensed as replacements for vehicles taken out of service Members were advised that no applications had been received in respect of four of them but the Licensing Unit were aware that they had been submitted for test on the 4th and 7th October, which they passed.

Members were respectfully reminded that a policy cannot act so as to fetter the discretion of the Council. The Council may depart from the policy should there be deemed sufficient reason to do so. Each request for departure from the policy must be considered on its individual merits and a decision made as to whether there are sufficient grounds to depart from the policy.

Mr M Z, Mr F (Applicants) and Mr Wilson (A2Z Licensing) were in attendance at the meeting and were given the opportunity to state their case.

Mr Wilson informed Members that the main reason for requesting the Council depart from the policy in their particular case was because of financial losses and investments the applicant had made in licensing other new and/or replacement vehicles.

After consideration of the report and to the comments made by Mr Wilson Members determined that each request be considered on its individual merits.

RESOLVED that each request be considered on its individual merits.

L **Accident Damaged Vehicle - DG03 JFZ**

71/10

Consideration was given to a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their private hire vehicle licence renewed at October 2010 renewals in respect of vehicle registration DG03 JFZ

Vehicle registration DG03 JFZ was a licensed Private Hire Vehicle, plate number PHV 116, which had been licensed since June 2006 and its licence was due to expire on 30th October 2010.

The vehicle was a Peugeot 406 which was first registered on 6/3/2003 and is recorded as being accident damaged on its V5 registration document.

Letters had been received on behalf of Mr M Z, the vehicle proprietor requesting

dispensation from the policy requirement not to re-licence this vehicle at the expiry of his current licence because of financial hardship. Copies of these letters were attached to the report.

Mr M Z, Mr F (Applicants) and Mr Wilson (A2Z Licensing) were in attendance at the meeting and were given the opportunity to state their case.

Mr Wilson informed Members that the main reason for requesting the Council depart from the policy in their particular case was because of financial losses and investments the applicant had made in licensing other new and/or replacement vehicles.

After consideration of the report and to the comments made by the applicant and his representative at the meeting Members determined that whilst they accepted that the company had suffered losses a business decision had been made to purchase another taxi company, there was no financial plan in place to replace the accident damaged vehicles and the applicant had not provided any reason sufficient to persuade the Council to depart from the policy and the request was therefore refused.

RESOLVED that the request from vehicle proprietor Mr M Z to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration DG03 JFZ be refused.

**L
72/10**

Accident Damaged Vehicle - KJ54 SXU

Consideration was given to a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their private hire vehicle licence renewed at October 2010 renewals in respect of vehicle registration KJ54 SXU

Vehicle registration KJ54 SXU was a licensed Private Hire Vehicle, plate number PHV 117, which had been licensed since June 2006 and its current licence was due to expire on 30th October 2010.

The vehicle was a Vauxhall Astra which was first registered on 30/09/2004 and was recorded as being "accident damaged" on its V5 registration document.

Letters had been received on behalf of the applicant, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence this vehicle at the expiry of his current licence because of financial hardship. Copies of these letters were attached to the preliminary report for Member's information.

Mr M Z, Mr F (Applicant) and Mr Wilson (A2Z Licensing) were in attendance at the meeting and were given the opportunity to state their case.

After consideration of the report and to the comments made by the applicant and his representative at the meeting Members determined that whilst they accepted that the company had suffered losses a business decision had been made to purchase another taxi company, there was no financial plan in place to replace the accident damaged vehicles and the applicant had not provided any

reason sufficient to persuade the Council to depart from the policy and the request was therefore refused.

RESOLVED that the request from vehicle proprietor Mr M Z to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration KJ54 SXU be refused.

L **Accident Damaged Vehicle - KH54 MFK**

73/10

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their private hire vehicle licence renewed at October 2010 renewals in respect of vehicle registration KH54 MFK

Vehicle registration KH54 MFK was a licensed Private Hire Vehicle, plate number PHV 153, which had been licensed since June 2006 and its licence was due to expire on 30th October 2010.

The vehicle was a Vauxhall Astra which was first registered on 30/11/2004 and was recorded as being "accident damaged" on its V5 registration document.

Letters had been received on behalf of Mr M Z, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence this vehicle at the expiry of his current licence because of financial hardship. Copies of these letters were attached to the report.

Mr M Z, Mr F (Applicant) and Mr Wilson (A2Z Licensing) were in attendance at the meeting and were given the opportunity to state their case.

After consideration of the report and to the comments made by the applicant and his representative at the meeting Members determined that whilst they accepted that the company had suffered losses a business decision had been made to purchase another taxi company, there was no financial plan in place to replace the accident damaged vehicles and the applicant had not provided any reason sufficient to persuade the Council to depart from the policy and the request was therefore refused.

RESOLVED that the request from vehicle proprietor Mr M Z to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration KH54 MFK be refused.

L **Accident Damaged Vehicle - OU55 GKA**

74/10

Consideration was given to a report a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their private hire vehicle licence renewed at October 2010 renewals in respect of vehicle registration OU55 GKA

Vehicle registration OU55 GKA was a licensed Private Hire Vehicle, plate number PHV 615, which had been licensed since May 2008 and its current licence was due to expire on 30th October 2010.

The vehicle was a Vauxhall Astra which was first registered on 14/02/2006 and was recorded as being "accident damaged" on its V5 registration document.

Letters had been received on behalf of the Mr M Z, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence this vehicle at the expiry of his licence because of financial hardship. Copies of these letters were attached to the report.

Mr M Z, Mr F (Tees Valley Cabs) and Mr Wilson (A2Z Licensing) were in attendance at the meeting and were given the opportunity to state their case.

After consideration of the report and to the comments made by the applicant and his representative at the meeting Members determined that whilst they accepted that the company had suffered losses a business decision had been made to purchase another taxi company, there was no financial plan in place to replace the accident damaged vehicles and the applicant had not provided any reason sufficient to persuade the Council to depart from the policy and the request was therefore refused.

RESOLVED that the request from vehicle proprietor Mr M Z to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration OU55 GKA be refused.

**L
75/10**

Accident Damaged Vehicle - RO03 EBU

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their private hire vehicle licence renewed at October 2010 renewals in respect of vehicle registration RO03 EBU

Vehicle registration RO03 EBU was a licensed Private Hire Vehicle, plate number PHV 133, which had been licensed since June 2006 and its current licence was due to expire on 30th October 2010.

The vehicle was a Vauxhall Vectra which was first registered on 3/3/2003 and was recorded as being "accident damaged" on its V5 registration document.

Letters had been received on behalf of Mr M Z, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence this vehicle at the expiry of his current licence because of financial hardship. Copies of these letters were attached to the report.

Mr M Z, Mr F (Tees Valley Cabs) and Mr Wilson (A2Z Licensing) were in attendance at the meeting and were given the opportunity to state their case.

After consideration of the report and to the comments made by the applicant and his representative at the meeting Members determined that whilst they accepted that the company had suffered losses a business decision had been made to purchase another taxi company, there was no financial plan in place to replace the accident damaged vehicles and the applicant had not provided any reason sufficient to persuade the Council to depart from the policy and the

request was therefore refused.

RESOLVED that the request from vehicle proprietor Mr M Z to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration RO03 EBU be refused.

**L
76/10** **Accident Damaged Vehicle - VK52 EOT**

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their private hire vehicle licence renewed at October 2010 renewals in respect of vehicle registration VK52 EOT

Vehicle registration VK52 EOT was a licensed Private Hire Vehicle, plate number PHV 287, which had been licensed since November 2006 and its current licence was due to expire on 30th October 2010.

The vehicle was a Vauxhall Vectra which was first registered on 22/11/2002 and was recorded as being "accident damaged" on its V5 registration document.

Letters had been received on behalf of the applicant, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence this vehicle at the expiry of his current licence because of financial hardship. Copies of these letters were attached to the report.

Mr M Z, Mr F (Tees Valley Cabs) and Mr Wilson (A2Z Licensing) were in attendance at the meeting and were given the opportunity to state their case.

After consideration of the report and to the comments made by the applicant and his representative at the meeting Members determined that whilst they accepted that the company had suffered losses a business decision had been made to purchase another taxi company, there was no financial plan in place to replace the accident damaged vehicles and the applicant had not provided any reason sufficient to persuade the Council to depart from the policy and the request was therefore refused.

RESOLVED that the request from vehicle proprietor Mr M Z to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration VK52 EOT be refused.

**L
77/10** **Accident Damaged Vehicle - YG03 ODY**

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their private hire vehicle licence renewed at October 2010 renewals in respect of vehicle registration YG03 ODY.

Vehicle registration YG03 ODY was a licensed Private Hire Vehicle, plate number PHV 560, which had been licensed since September 2007 and its current licence was due to expire on 30th October 2010.

The vehicle was a Vauxhall Astra which was first registered on 22/05/2003 and was recorded as being "accident damaged" on its V5 registration document.

Letters had been received on behalf of the applicant, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence this vehicle at the expiry of his current licence because of financial hardship. Copies of these letters were attached to the report.

Mr M Z, Mr F (Tees Valley Cabs) and Mr Wilson (A2Z Licensing) were in attendance at the meeting and were given the opportunity to state their case.

After consideration of the report and to the comments made by the applicant and his representative at the meeting Members determined that whilst they accepted that the company had suffered losses a business decision had been made to purchase another taxi company, there was no financial plan in place to replace the accident damaged vehicles and the applicant had not provided any reason sufficient to persuade the Council to depart from the policy and the request was therefore refused.

RESOLVED that the request from vehicle proprietor Mr M Z to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration YG03 ODY be refused.

**L
78/10**

Accident Damaged Vehicles - North East Executive Ltd T/A Royal Cars

Consideration was given to a report on requests from an applicant, a licensed private hire operator, asking that the Council depart from and relax the Private Hire and Hackney Carriage Licensing Policy requirements relating to accident damage and its application to four of the company's existing licensed private hire vehicles with effect from their next licence renewal in October 2010.

At the meeting held on 23rd August 2010 Members considered a request from Mr Wilson of 'a2zLicensing' on behalf another taxi company, a licensed private hire operator, and other members of the taxi trade for grandfather rights to be granted to all existing accident damaged licensed vehicles. Members determined not to grant grandfather rights to all vehicles and that each request for dispensation would be considered individually on its own merits. Minute L 30/10 refers.

On 21st September 2010 letters were received from the applicant indicating that they wished to apply to renew four private hire vehicle licences in respect of vehicles that were recorded as being accident damaged on their V5C documents. A specimen copy of this letter was attached to the report.

Members were advised that the applicant was first licensed as a private hire operator in March 2010 and operated two executive vehicles as a subsidiary of T C Ltd. In May 2010 T C Ltd informed the council that they intended to "wind up" the company and all their vehicles were to be transferred to the applicant. A revised licence authorising the use of 77 vehicles was issued at that time.

On 24th September 2010 the applicant was written to and advised of the Committee decision made on 23rd August and inviting him to make individual

requests should he wish for the Council to depart from its policy and when he was advised to indicate what efforts the company had made in respect of replacing these vehicles. A copy of this letter was attached to the report.

On 13th October letters dated 21st September 2010 in respect of the accident damaged vehicles were received from North East Executive Ltd, a copy of which was attached to the report. In this letter financial losses and the potential sacking of drivers were offered as reasons for departing from the policy.

Whilst it had been agreed that the reasons submitted for departing from the councils policy were the same for each accident damaged vehicle, Members were respectfully advised that they would need to make a determination in respect of each individual vehicle. Four requests/renewal applications had been received and details of each of these were submitted as separate reports.

Members were advised that since taking over the operation of T C Ltd in May this year five new private hire vehicle licences had been applied for and granted as follows:- two in June; one in August; one in September and one in October.

Members were respectfully reminded that a policy could not act so as to fetter the discretion of the Council. The Council may depart from the policy should there be deemed sufficient reason to do so. Each request for departure from the policy must be considered on its individual merits and a decision made as to whether there were sufficient grounds to depart from the policy.

Mr D K (Applicant) was in attendance at the meeting and was given the opportunity to state his case.

After consideration of the report and to the comments made by Mr D K Members determined that each request be considered on its individual merits.

RESOLVED that each request be considered on its individual merits.

**L
79/10**

Accident Damaged Vehicle - GN54 HCA

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at October 2010 renewals in respect of vehicle registration GN54 HCA.

Vehicle registration GN54 HCA was a licensed private vehicle, plate number PHV 581, which had been licensed since December 2007 and its licence was due to expire on 30th October 2010.

The vehicle was a Skoda Octavia which was first registered on 10/09/2004 and was recorded as being "accident damaged" on its V5 registration document.

A letter had been received from the applicant, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence the vehicle at the expiry of his current licence because of financial losses. A copy of this letter was attached to the report.

After consideration of the report and to the comments made by Mr D K at the

meeting the Members determined that whilst they had sympathy with his position Mr D K had no financial plan in place to replace his accident damaged vehicles and he had not provided any reason sufficient to persuade the Council to depart from the policy and the request was therefore refused.

RESOLVED that the request from vehicle proprietor Mr D K to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration GN54 HCA be refused.

**L
80/10** **Accident Damaged Vehicle - KJ05 CDU**

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at October 2010 renewals in respect of vehicle registration KJ05 CDU.

Vehicle registration KJ05 CDU was a licensed private vehicle, plate number PHV 492, which had been licensed since April 2007 and its licence was due to expire on 30th October 2010.

The vehicle was a Vauxhall Astra which was first registered on 01/03/2005 and was recorded as being "accident damaged" on its V5 registration document.

A letter had been received from the applicant, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence the vehicle at the expiry of his current licence because of financial losses. A copy of this letter was attached to the report.

After consideration of the report and to the comments made by Mr D K at the meeting the Members determined that whilst they had sympathy with his position Mr D K had no financial plan in place to replace his accident damaged vehicles and he had not provided any reason sufficient to persuade the Council to depart from the policy and the request was therefore refused.

RESOLVED that the request from vehicle proprietor Mr D K to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration KJ05 CDU be refused.

**L
81/10** **Accident Damaged Vehicle - VN04 DXD**

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at October 2010 renewals in respect of vehicle registration VN04 DXD.

Vehicle registration VN04 DXD was a licensed private vehicle, plate number PHV 083, which had been licensed since March 2006 and its licence was due to expire on 30th October 2010.

The vehicle was a Ford Focus which was first registered on 31/03/2004 and was recorded as being "accident damaged" on its V5 registration document.

A letter had been received from the applicant, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence the vehicle at the expiry of his current licence because of financial losses. A copy of this letter was attached to the report.

After consideration of the report and to the comments made by Mr D K at the meeting the Members determined that whilst they had sympathy with his position Mr D K had no financial plan in place to replace his accident damaged vehicles and he had not provided any reason sufficient to persuade the Council to depart from the policy and the request was therefore refused.

RESOLVED that the request from vehicle proprietor Mr D K to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration VN04 DXD be refused.

**L
82/10** **Accident Damaged Vehicle - YB05 BUV**

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at October 2010 renewals in respect of vehicle registration YB05 BUV.

Vehicle registration YB05 BUV was a licensed private vehicle, plate number PHV 548, which had been licensed since August 2007 and its licence was due to expire on 30th October 2010.

The vehicle was a Skoda Octavia which was first registered on 24/06/2005 and was recorded as being "accident damaged" on its V5 registration document.

A letter had been received from the applicant, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence the vehicle at the expiry of his current licence because of financial losses. A copy of this letter was attached to the report.

After consideration of the report and to the comments made by Mr D K at the meeting the Members determined that whilst they had sympathy with his position Mr D K had no financial plan in place to replace his accident damaged vehicles and he had not provided any reason sufficient to persuade the Council to depart from the policy and the request was therefore refused.

RESOLVED that the request from vehicle proprietor Mr D K to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration YB05 BUV be refused.

**L
83/10** **Accident Damaged Vehicle - YX05 URY**

Consideration was given to a report on a request from a vehicle proprietor to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at October 2010 renewals in respect of vehicle registration YX05 URY.

Vehicle registration YX05 URY was a licensed private vehicle, plate number PHV 657, which had been licensed since October 2008 and its licence was due to expire on 30th October 2010.

The vehicle was a Skoda Octavia which was first registered on 10/03/2005 and was recorded as being "accident damaged" on its V5 registration document.

A letter had been received from the applicant, the vehicle proprietor requesting dispensation from the policy requirement not to re-licence the vehicle at the expiry of his current licence because of financial losses. A copy of this letter was attached to the report.

After consideration of the report and to the comments made by Mr D K at the meeting the Members determined that whilst they had sympathy with his position Mr D K had no financial plan in place to replace his accident damaged vehicles and he had not provided any reason sufficient to persuade the Council to depart from the policy and the request was therefore refused.

RESOLVED that the request from vehicle proprietor Mr D K to depart from the Private Hire and Hackney Policy requirements relating to accident damaged vehicles not having their licence renewed at September/October 2010 renewals in respect of vehicle registration YX05 URY be refused.