

# LICENSING REGULATORY COMMITTEE

## Review of Recent Court Cases 27 March 2014

### Report of Licensing Manager

#### PURPOSE OF REPORT

To inform Members of the outcomes of recent court cases in relation to hackney carriage and private hire drivers.

**The report is public**

#### RECOMMENDATIONS

**The Committee is requested to note the report.**

##### 1.0 Introduction

1.1 Members may recall that this matter was adjourned from the last meeting of this Committee

1.2 Members have requested to be kept informed of licensing court cases, and it is intended to provide a quarterly report. The following cases have been determined in Lancaster Magistrates' Court in relation to licensing matters in the last four months.

1.3 30 September 2013

A private hire driver appealed a fixed penalty notice which had been issued for smoking whilst driving a private hire vehicle. The driver was successful in his appeal and the FPN was overturned. This matter fell within the previous quarter, but had not been included in the earlier report as it was not specifically a matter for this Committee, being an appeal in relation to a FPN which was issued under the Health Act 2006.

1.4 15 November 2013

James Blackwood of Lancaster was convicted for plying for hire on a street which was not a designated rank contrary to Byelaws adopted by Lancaster City Council. He was fined £270 and ordered to pay £220 costs.

1.5 15 November 2013

Christopher Lee of Morecambe was convicted of plying for hire on a street which was not a designated rank contrary to Byelaws adopted by Lancaster city Council. He was fined £140 and ordered to pay £220 costs.

1.6 15 November 2013

Alan Brodie of Lancaster was convicted of plying for hire on a street which was not a designated rank contrary to Byelaws adopted by Lancaster City Council. He was fined £115 and ordered to pay costs of £220 costs.

1.7 15 November 2013

Heider Ali Bala of Lancaster was convicted of plying for hire on a street which was not a designated rank contrary to Byelaws adopted by Lancaster City Council. He was fined £200 and ordered to pay costs of £120

1.8 16 December 2013

Kevin Chamberlain of Lancaster was convicted of plying for hire on a street which was not a designated rank contrary to Byelaws adopted by Lancaster City Council. He was given a conditional discharge and ordered to pay £500 costs.

1.9 3 January 2014

A hackney carriage proprietor from Morecambe appeared at Lancaster Magistrates' Court charged with the offence of failing without reasonable cause to give an officer information which he may reasonably require. The Magistrates determined that on the facts of the case there was no case to answer. No costs were awarded against the Council.

## 2.0 Conclusion

2.1 Members are asked to note the report.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

Prosecutions relating to licensing matters help to assure the public that the Council does consider the issue of the safety of the public.

### **FINANCIAL IMPLICATIONS**

Financial Services have been consulted. There are no direct financial implications as a result of this report, any Council costs awarded would be collected by the courts and paid across into the legal services court fees income code, for which there is a budget provision.

### **LEGAL IMPLICATIONS**

The Council are under a duty to ensure that the legislation in relation to hackney carriage and private hire licensing is enforced.

### **BACKGROUND PAPERS**

None

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