

# General Licensing Committee

A meeting of General Licensing Committee was held on Tuesday, 20th July, 2021.

**Present:** Cllr Paul Kirton (Chair), Cllr Jacky Bright, Cllr Robert Cook, Cllr Evaline Cunningham, Cllr Ken Dixon, Cllr Eileen Johnson, , Cllr Mick Moore, Cllr Maurice Perry, Cllr Lee Spence, Cllr Marilyn Surtees, Cllr Hilary Vickers and Cllr Bill Woodhead MBE.

**Officers:** Jonathan Nertney (HR, L&C), Leanne Maloney-Kelly, Nigel Hart, Peter Bell (MD)

**Also in attendance:** Private Hire Driver Application 149760 and Private Hire Driver Application 000913.

**Apologies:** Cllr Tina Large and Cllr Julia Whitehill.

## **GLC      Declarations of Interest**

**1/21**

There were no Declarations of Interest.

## **GLC      Exclusion of the Public**

**2/21**

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.

## **GLC      Private Hire Driver Application – 149760**

**3/21**

Members were asked to determine an application for a Private Hire Drivers Licence from Applicant - Ref 149760 who had convictions on his Enhanced Disclosure and Barring Service (DBS) Certificate which did not meet Stockton on Tees Borough Councils Private Hire & Hackney Carriage Policy.

Applicant - Ref 149760 attended the meeting and given the opportunity to make representation.

Committee papers and reports had been provided to all relevant parties prior to the meeting.

The report included the following:

- A copy of Applicant - Ref 149760's application for a Private Hire Drivers Licence.
- A copy of Applicant - Ref 149760's current DVLA check code, which currently showed no live DVLA points.
- A copy of a summary transcript from an interview with Applicant - Ref 149760 held on 12 April 2021.

The Committee had regard to all the evidence presented in the Committee report and the submissions made by Applicant – Ref 149760.

The Committee noted that at this time Applicant – Ref 149760 did not comply with the Councils policy as he had two relevant convictions on his criminal

record. The convictions dated from 1st August 2012 and 12th April 2017, each of them relating to Applicant – Ref 149760 using threatening, abusive, insulting words likely to cause harassment alarm or distress. The Committee were satisfied that these convictions fell within the policy given they were offences involving violence/violent behaviour. As there were two convictions within a ten year period the policy indicated that an application would normally be refused. If Applicant – Ref 149760 had no further convictions, then he would comply with policy on 1st August 2022.

The Committee noted that the policy made it clear that “given the range of the offences that involve violence, consideration must be given to the nature of the conviction”.

The Committee noted the explanation given by Applicant – Ref 149760 in relation to the circumstances which led to the convictions. Applicant – Ref 149760 informed the Committee that he had been subject to threats from a family with criminal connections and this had occurred since Applicant – Ref 149760 had assisted the Police by providing CCTV footage.

The Committee considered all the circumstances and were satisfied that the incidents appeared to be related to specific issues in the locality where Applicant – Ref 149760 previously resided and that this was during the time when he was licensed by Pendle Council. The Committee noted the appendix detailing Applicant – Ref 149760’s history with Pendle Council. The Committee noted that Applicant – Ref 149760 had held a licence with Wolverhampton Council since 20th November 2019 and that he had not been subject to any complaints, warnings, suspensions, or revocations. Applicant – Ref 149760 informed the Committee that since moving to Stockton he had worked under his Wolverhampton licence through Teesside Cars and again had not been the subject of any complaints. Applicant – Ref 149760 informed the Committee that he was not a person with a violent nature and that he could provide assurances to the Committee that he would not be the subject of any complaints in the future should his licence be granted.

The Committee asked whether Applicant – Ref 149760 had any DVLA points since making his application to which he stated that he did not. Applicant – Ref 149760 was asked whether he was aware of any pending proceedings for driving or other offences to which he stated he did not.

After considering all of the evidence the Committee noted that the decision as to whether to grant Applicant – Ref 149760 a Private Hire Drivers Licence was a borderline decision as the Committee needed to determine whether there were sufficient exceptional reasons presented by Applicant – Ref 149760 to persuade the Committee to depart from the policy. The Committee put the matter to the vote and asked it to be noted that the decision was not unanimous.

However, the Committee determined to grant Applicant – Ref 149760’s Private Hire Drivers Licence with a warning as to his future conduct. The Committee made it clear that should there any future complaints then it would be likely that Applicant – Ref 149760 would be referred to the Committee in order to determine his continued fitness to hold a licence with this Authority.

The Committee requested that Applicant – Ref 149760 undertake a further

DVLA check to determine whether he had received any recent driving offences.

RESOLVED that Applicant – Ref 149760 be granted his Private Hire Drivers Licence for the reasons and with conditions as detailed above.

**GLC  
4/21**

### **Private Hire Driver Application – 000913**

Members were asked to determine an application for a private hire drivers' licence from Applicant – Ref 000913 who had had a previous licence with this Authority revoked by the General Licensing Committee. Applicant - Ref 000913 attended the meeting and given the opportunity to make representation.

Committee papers and reports had been provided to all relevant parties prior to the meeting.

The report included the following:

- A copy of Applicant - Ref 000913's application for a Private Hire Drivers Licence.
- A copy of Applicant - Ref 000913's current DVLA check code, which currently showed no live DVLA points.
- A copy of a written submission by Applicant - Ref 000913 detailing why he felt the Committee should depart from current transport policy to grant him a private hire drivers licence.

The Committee had regard to all the evidence presented in the Committee report and the oral submissions made by you.

The Committee noted that at this time Applicant - Ref 000913 did not comply with the Councils policy as he had relevant convictions, namely a conviction for driving without insurance and plying for hire without a licence which occurred when Applicant - Ref 000913 was previously a licensed driver with the Council. Should Applicant - Ref 000913 receive no further relevant convictions he would comply with Council policy during April 2022.

The Committee noted that to grant an application outside policy requirements an applicant would need to persuade the Committee that there were exceptional reasons sufficient to persuade the Committee to depart from the policy.

Applicant - Ref 000913 was invited to make his submissions. Applicant - Ref 000913 stated that he had learned a valuable lesson and would not act in an unlawful manner in future. Applicant - Ref 000913 understood that he could not pick up un-booked fares/flag downs and he would not do so if granted a licence. Applicant - Ref 000913 stated that he had a family to support and informed the Committee that he had been working as an UBEREATS delivery driver but that he wished to regain his licence to recommence work as a private hire driver. The Committee considered all the evidence and submissions and were not persuaded to depart from the policy. Applicant - Ref 000913 was not deemed to be a fit and proper person at this time and his application was refused.

RESOLVED that Applicant – Ref 000913's application for a Private Hire Drivers Licence be refused for the reasons as detailed above.

