

General Licensing Committee

A meeting of General Licensing Committee was held on Tuesday, 8th November, 2022.

Present: Cllr Paul Kirton(Chairman), Cllr Eileen Johnson(Vice-Chair), Cllr Jacky Bright, Cllr Robert Cook, Cllr Evaline Cunningham, Cllr Ken Dixon, Cllr Mick Moore, Cllr Maurice Perry, Cllr Marilyn Surtees, Cllr Hilary Vickers, Cllr Julia Whitehill, Cllr Bill Woodhead MBE

Officers: Natalie Hodgson, Sarah Whaley (D o CS), Elliott Beevers, Polly Edwards, Leanne Maloney-Kelly, Amy Stephenson, Kirsty Wannop, (D o AH),

Also in attendance: Representative from the Taxi Trade, Mr Maqsood. Applicant - 001391, Applicant - 124288, Applicant - 001438

Apologies: Cllr Tina Large, Cllr Lee Spence,

GLC 18/22 Evacuation Procedure

The Evacuation Procedure was noted.

GLC 19/22 Declarations of Interest

There were no declarations of interest.

GLC 20/22 Minutes from the General Licensing Committee which was held on 16th August 2022

Consideration was given to the General Licensing Committee Minutes from the meeting which was held on 16th August 2022 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

GLC 21/22 Draft Minutes from the General Licensing Committee meeting which was held on 27th September 2022

Consideration was given to the General Licensing Committee Minutes from the meeting which was held on 27th September 2022 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

GLC 22/22 PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY REVIEW

Members were presented with a report which updated Members on a recent private hire and hackney carriage policy consultation regarding the implementation of the Department for Transport's statutory taxi and private hire vehicle standards.

The current private hire & hackney carriage licensing policy was approved in 2021 to adopt the Department for Transport published the 'Statutory Taxi and Private Hire Vehicle Standards'.

It was vital to review policies to reflect changes in the industry both nationally and locally. The effectiveness of the hackney carriage and private hire licensing regime depended on licensing authorities to acknowledge and manage changes to ensure that, alongside the benefits being achieved, any negatives were minimised for passengers, the trade, and wider communities.

The licensed trade had made a number of requests to amend the current policy and a 21 day public consultation was undertaken giving stakeholders opportunity to comment.

The public consultation survey was available online and links were directly sent to all licensees via the Trade Times. The link was also emailed to private hire operators and Stockton Hackney Carriage Drivers Association (SHCDA).

Members, other local authorities, and responsible authorities including the police were sent the link and given an opportunity to comment on the proposed changes.

Details of the policy review and how to make comments was also advertised to the public on the Council website and library notice boards.

The consultation closed, with 78 responses with majority agreement on the proposed changes.

In response to the consultation two further amendments to the new wording had been proposed on:

- Wheelchair accessible vehicle renewals as detailed within the Officers report
- LPG vehicles detailed and highlighted within the Officers report.

The full consultation result document and background report giving further information on the proposals and reasons for the changes was contained within the Officers report.

In terms of next steps, a summary of the consultation and any further licensing committee comments would be considered by Cabinet on 17 November 2022 and full Council on 23 November 2022. Following approval any changes agreed would come in to effect on 1 December 2022.

If revised, the trade would be informed of the new policy via email and via private hire operators and the SHCDA. Changes would also be publicised on the trade Facebook page and via the Council website. In addition, the policy changes would be added to future trade meeting agendas.

A representative from the Taxi Trade attended the meeting, and confirmed that he was happy and agreed with the proposed policy changes.

RESOLVED that;

- 1) Members note the content of the Officer report.
- 2) Members agree to recommend to Cabinet and Council that the Private Hire

and Hackney Carriage Policy be adopted to come into effect on 1 December 2022.

**GLC
23/22** **Exclusion of the 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.

**GLC
24/22** **Hackney Carriage and Private Hire Driver – 001391**

Members were asked to consider and determine whether Hackney Carriage and Private Hire Driver - 001391 remained a fit and proper person to hold a combined hackney carriage and private hire drivers' licence with this authority.

Hackney Carriage and Private Hire Driver – 001391 had been arrested for two separate offences and was currently suspended from driving licensed vehicles. His current licence expired on 31 May 2023.

Hackney Carriage and Private Hire Driver - 001391 attended the meeting and was given the opportunity to make representations.

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

The report detailed the following:

- A copy of an email notifying the Licensing Department that Hackney Carriage and Private Hire Driver – 001391 had been arrested on 31 July 2020.
- A copy of a common law disclosure, detailing that Hackney Carriage and Private Hire Driver – 001391 was arrested for the alleged offences of 'Engage in controlling/coercive behaviour in an intimate/family relationship'. And 'Rape of female aged 16 years or over'.
- A copy of the Intention of Suspension Letter to Hackney Carriage and Private Hire Driver – 001391 and a copy of his response.
- A copy of a suspension letter to Hackney Carriage and Private Hire Driver – 001391.
- A copy of an email from Cleveland Police advising there was insufficient evidence to take the case to the CPS and no realistic prospect of conviction.
- A copy of a redacted Police Storm Incident Report.
- A copy of a summary transcript of an interview with Hackney Carriage and Private Hire Driver – 001391.
- A copy of a redacted file summary provided from Cleveland Police Legal relating to Hackney Carriage and Private Hire Driver – 001391.

- A copy of a summary transcript following an interview with Hackney Carriage and Private Hire Driver – 001391 dated 18th October 2022.

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

The Committee noted that this matter had been brought before them for determination of the driver's continued fitness to drive Hackney Carriage and Private Hire Vehicles as detailed in the Committee report and appendices.

The Committee heard that the driver had been a licenced driver with the Council since before 2004, and that his current licence expired on 31st May 2023. This licence was suspended on 14th October 2020, following information received from Cleveland Police on 8th September 2020.

The Committee noted:-

-On 2nd September 2020, Hackney Carriage and Private Hire Driver – 001391 notified the Council's licensing department via email that he had been arrested on 31st July 2020. As a licenced driver, Hackney Carriage and Private Hire Driver – 001391 was obliged to notify the licensing department within 48 hours of his arrest and release, which he did not do.

- The licensing department were notified by police when a licenced driver was arrested. Cleveland Police confirmed that as Hackney Carriage and Private Hire Driver – 001391 identified himself as unemployed when he was arrested, the licensing department were not notified.

- Disclosure received from Cleveland Police on 8th September 2020 detailed that on 31st July 2002, Hackney Carriage and Private Hire Driver – 001391 was arrested for "engage in controlling/coercive behaviour in an intimate/family relationship" and "rape of female aged 16 years or over". Hackney Carriage and Private Hire Driver – 001391 was released under investigation whilst enquiries were ongoing.

- The complainant reported that Hackney Carriage and Private Hire Driver – 001391 was trying to take control of her finances and that she was having to have sex with him against her will. Cleveland Police advised the licensing department not to speak to Hackney Carriage and Private Hire Driver – 001391 about the investigation.

- Hackney Carriage and Private Hire Driver – 001391 licence was suspended on 14th October 2020. On 4th June 2021, Cleveland Police notified the licensing department that there was insufficient evidence to take any further action. A copy of the full case file was requested from Cleveland Police, however the information received was limited.

- On 6th August 2021, the licensing department were notified of a case where a female alleged that she was transported to an address in Bowesfield Lane, Stockton-on-Tees and subjected to imprisonment, gang rape and injected with heroin. Police confirmed that Hackney Carriage and Private Hire Driver – 001391 was arrested in connection with this investigation for "rape of female

aged 16 years or over”.

- Cleveland Police have confirmed that Hackney Carriage and Private Hire Driver – 001391 identified himself as unemployed when he was arrested.

- On 10th June 2022, the licensing department were notified that Cleveland Police were taking no further action in relation to this matter. A copy of the full case file was requested from Cleveland Police, however the information received was limited.

The Committee and Hackney Carriage and Private Hire Driver – 001391 had an opportunity to ask questions of the officer.

Hackney Carriage and Private Hire Driver – 001391 explained to the Committee that in relation to the allegations of rape and controlling/coercive behaviour, in his view this was a vexatious complaint made by his wife, due to him wishing to end their relationship.

The Committee heard from Hackney Carriage and Private Hire Driver – 001391 that on 30th July 2020, he contacted police as his wife refused to leave the house after he expressed his wish to divorce. Hackney Carriage and Private Hire Driver – 001391 told the Committee that the allegations made by his wife were made the following day, 31st July 2020. The Committee heard that Hackney Carriage and Private Hire Driver – 001391 believed that his wife made these allegations because if he divorced her, she would lose her spousal visa and have to return to Pakistan. Hackney Carriage and Private Hire Driver – 001391 told the Committee that he believed that his wife was having an affair.

In relation to the second allegation, the Committee heard from Hackney Carriage and Private Hire Driver – 001391 that he did not know the alleged victim and denies the offence.

When asked why he stated that he was unemployed on both occasions that he was arrested, Hackney Carriage and Private Hire Driver – 001391 denied this and told the Committee that he did tell the police that he was a taxi driver on both occasions.

When asked by the Committee what evidence he had to verify his assertions to the Committee, Hackney Carriage and Private Hire Driver – 001391 confirmed that he did not have any. When asked if he would be willing to provide more information to the Committee, such as information he could receive from police under a subject access request, Hackney Carriage and Private Hire Driver – 001391 refused.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the oral submissions made by the driver himself in response to the Committee’s questions.

Having carefully considered the written application and documentation before them and in reaching their decision, the Members had regard to the provisions of the Local Government (Miscellaneous Provisions) Act 1976. The Committee also had regard to the Council’s Private Hire and Hackney Carriage Licensing Policy 2021 – 2026.

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 with the provisions of the Act of 1847 or of this part of this Act; or
- (b) any other reasonable cause.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with the driver alone due to their doubts arising from the two separate allegations of rape, which are very serious matters. In the Committee's view, this was a reasonable cause to revoke Hackney Carriage and Private Hire Driver – 001391's licence.

The Committee found Hackney Carriage and Private Hire Driver – 001391 to be evasive, particularly when asked why he did not tell the police that he was a taxi driver on both occasions when arrested. The Committee noted that information received from Cleveland Police confirmed that Hackney Carriage and Private Hire Driver – 001391 stated that he was unemployed on both occasions.

The Committee were also concerned that Hackney Carriage and Private Hire Driver – 001391 did not notify the licensing department of his arrests, within the policy timelines, in contravention of his licence conditions.

Ultimately, the safety of the traveling public was the Committee's paramount concern. The Committee did not believe that the driver was a fit and proper person to hold a combined hackney carriage and private hire vehicle drivers licence owing to the two separate allegations of rape and Hackney Carriage and Private Hire Driver – 001391 being disingenuous in his answers to the Committee's questioning. The Committee were satisfied that this amounted to a reasonable cause to lift the suspension of Hackney Carriage and Private Hire Driver – 001391 licence and for the licence be revoked.

RESOLVED that Hackney Carriage and Private Hire Driver – 001391's suspension of his licence be lifted and that his Hackney Carriage and Private Hire Drivers Licence be revoked for the reasons as detailed above.

**GLC
25/22**

Private Hire Driver Application – 124288

Members were asked to determine an application for a Private Hire Driver's Licence from Applicant - 124288 who was previously licensed by this Authority and now had a relevant conviction.

Applicant - 124288 attended the meeting and was given the opportunity to make representations.

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

The Chair introduced everyone present and explained the procedure to be

followed during the hearing.

The Committee noted that the application was for the grant of an application to Drive Private Hire Vehicles as detailed in the application.

The Committee heard that Applicant - 124288 had previously been a licensed driver with the Stockton on Tees Borough Council from 1st February 2012 until 31st January 2017, which was when he failed to renew his licence.

The Committee noted that Applicant - 124288 was convicted of 'driving or attempting to drive with alcohol levels above limit' on 10th April 2016, and was sentenced for this on 22nd September 2016.

Information before the Committee confirmed that Applicant - 124288 was; issued a community order until the 21st September 2017, ordered to pay costs of £160, disqualified from driving for 23 months from the 9th September 2016, (reduced by 23 weeks on completion of a course), ordered to undertake an unpaid work requirement and pay a victim surcharge of £80.

The Committee further noted that Applicant - 124288 had a speeding endorsement on his DVLA licence which he had not declared on his application form.

The Committee heard that Applicant - 124288 was interviewed on 9th August 2022 regarding the conviction and stated that he committed the offence as he drove his vehicle to flee an altercation that took place when consuming alcohol with a friend.

Applicant - 124288 and the Committee were given an opportunity to ask questions of the Officer.

Applicant - 124288 explained to the Committee that he regretted committing the offence and stated that it cost him a lot mentally and physically. The Committee heard from Applicant - 124288 that he was currently an HGV driver and had driven thousands of miles without any accidents, but wished to work closer to home as a taxi driver as his wife was unwell and he had young children.

The Committee was given an opportunity to ask questions of Applicant - 124288, with Applicant - 124288 speaking last.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the oral submissions made by the applicant in response to the Committee's questions.

Having carefully considered the written application and documentation before them and in reaching their decision, Members had regard to the provisions of the Local Government (Miscellaneous Provisions) Act 1976. The Committee also had regard to the Council's Private Hire and Hackney Carriage Licensing Policy 2021 – 2026.

Under section 51 Local Government (Miscellaneous Provisions) Act 1976, the Committee shall not grant a driver's licence unless they are satisfied that the applicant is a fit and proper person. When determining this matter, the Committee considered the application on its merits.

The Committee noted that Applicant - 124288 's application did not comply with the Council's current Private Hire & Hackney Carriage Licensing Policy, in that it had not been seven years since the restoration of Applicant – 124288's driving licence following his conviction for driving or attempting to drive with excess alcohol on 10th April 2016.

Ultimately, the Committee did not believe that Applicant - 124288 was a fit and proper person to hold a private hire vehicle drivers licence owing to his non-compliance with the Council's policy owing to his conviction. The Committee were unanimously satisfied that the application should therefore be refused.

RESOLVED that Applicant - 124288's application for a Private Hire Drivers Licence be refused for the reasons as detailed above.

**GLC
26/22**

Private Hire Driver Application – 001438

Members were asked to determine an application for a Private Hire Driver's Licence from Applicant - 001438 who had previously been licensed by this Authority however had had his licence revoked.

Applicant – 001438 attended and was given the opportunity to make representation.

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

The report detailed the following:

- A copy Applicant – 001438's application which contained a DVLA check code, showing no live DVLA endorsements.
- A copy of a summary of an interview with Applicant – 001438 and Licensing Officers.
- A copy of a set of minutes and decision letter detailing the revocation of Applicant – 0001438's private hire drivers' licence in August 2019.

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

The Committee noted that the application was for the grant of an application to Drive Private Hire Vehicles as detailed within the Officers report.

The Committee heard that Applicant - 001438 was previously a licensed private hire driver with this Authority from before 2003 to August 2019.

The Committee noted that on the 14th July 2019, Applicant - 001438 was driving a motor vehicle while using a hand-held mobile telephone to scroll through social media, which was recorded by a passenger and uploaded to the internet.

The Committee heard that Applicant - 001438 appeared before the Committee on 27th August 2019, who revoked his private hire licence.

The Committee further noted that no police charges were brought against Applicant – 001438 in relation to the incident.

The Licensing Officer confirmed to the Committee that Applicant - 001438 was interviewed in relation to his application on Monday 26th September 2022, where he was remorseful, and said that he would ensure that in future, if granted a licence, he would only have his work phone with him when driving, with no social media access.

Applicant - 001438 and the Committee were given an opportunity to ask questions of the Officer.

Applicant - 001438 explained to the Committee that he regretted using a telephone whilst driving.

Applicant – 001438 also explained that he was currently working for a company who MOT test vehicles.

The Committee was given an opportunity to ask questions of Applicant - 001438, with the applicant speaking last.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the oral submissions made by the applicant in response to the Committee's questions.

Having carefully considered the written application and documentation before them and in reaching their decision, the Members had regard to the provisions of the Local Government (Miscellaneous Provisions) Act 1976. The Committee also had regard to the Council's Private Hire and Hackney Carriage Licensing Policy 2021 – 2026.

Under section 51 Local Government (Miscellaneous Provisions) Act 1976, the Committee shall not grant a drivers licence unless they are satisfied that the applicant is a fit and proper person. When determining this matter, the Committee considered this application on its merits.

The Committee noted and had regard to the Council's current Private Hire & Hackney Carriage Licensing Policy; "Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later."

Whilst the Committee appreciated that Applicant - 001438 was not charged or convicted for using a mobile telephone whilst driving, he had admitted committing this act on 14th July 2019. The Committee therefore applied the principles of the Private Hire & Hackney Carriage Licensing Policy, in that five years had not elapsed since this behaviour, which was admitted by Applicant - 001438.

Ultimately, the Committee did not believe that Applicant - 001438 was a fit and proper person to hold a private hire vehicle drivers licence owing to his non-compliance with the Council's policy due to his actions. The Committee were unanimously satisfied that the application should therefore be refused.

RESOLVED that Applicant - 001438's application for a Private Hire Drivers Licence be refused for the reasons as detailed above.