

General Licensing Committee

A meeting of General Licensing Committee was held on Tuesday, 27th April, 2021.

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 Andrew Sherris, Cllr Marilyn Surtees, Cllr Hilary Vickers, Cllr Bill Woodhead MBE

Officers: Nigel Hart , Christine Bostock, Polly Edwards, (MD); Jonathan Nertney (HR, L&C).

Also in attendance: Private Hire Driver - 142804

Apologies:

GLC Declarations of Interest

11/20

There were no Declarations of Interest recorded.

GLC Minutes of the Meeting held on 12th January 2021- For Approval/Signature

12/20

The Minutes of the Meeting held on 12th January 2021 were agreed and confirmed for signature as a correct record.

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

GLC Exclusion of the Public

13/20

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 - 142804

14/20

Members were asked to determine the continued fitness of a licensed private hire driver who was arrested for the alleged offence of 'At/causing grievous bodily harm w/intent to do grievous bodily harm' and to determine what action to take and whether the driver remained a fit and proper person to hold a private hire drivers licence, with this Authority.

Applicant - Ref 142804 was in attendance at 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 Common Law Disclosure received from Cleveland Police on 18 September 2020 detailing that on 14 September 2020, that Private Hire Driver - 142804 was arrested for the alleged offence of 'At/causing grievous bodily harm w/intent to do grievous bodily harm';

-Details of an interview conducted by Licensing Officers, by recorded phone call, on 24 September 2020 with Applicant - Ref 14280;

-A copy of his immediate suspension letter;

-A copy of the Police Occurrence Log and Police Officers statement;

-Details of a subsequent interview held between Licensing Officer and Applicant - Ref 142804 on 4 February 2021.

The Committee noted that the Police had not provided copies of any witness statements taken from individuals who witnessed the incident at the school.

The Committee noted that Applicant - Ref 142804 had accepted that an incident had taken place at the school and that Applicant - Ref 142804 knew the male in question. This incident had not taken place with a complete stranger. There was some background to the incident as Applicant - Ref 142804 stated the male had broken his house window and that Applicant - Ref 142804 believed the male had mental health problems which could have been the cause of his behaviour. When questioned by the Committee it was clear that there was a history of conflict between Applicant - Ref 142804 and the male both before and after the incident at the school. Applicant - Ref 142804 stated that the male had caused further damage to his property and he believed that he had been arrested for this and that he had been kept in custody.

The key questions for the Committee to determine were: -

1. Who did the hammer belong to and who had taken it to the school/scene of the incident;
2. Where did the hammer go to and why was it taken from the school/scene of the incident; and
3. Did Applicant - Ref 142804 strike the male on the nose with the hammer causing injury?

The Committee noted that the consideration of these matters was on the civil burden of proof i.e. on the balance of probabilities. The Committee were in some difficulty in reaching a view, even on the civil burden of proof, as the evidence in relation to the incident was inconclusive. The male had not been willing to make a statement or assist the Police. The Committee did not have any witness statements from witnesses and the only live evidence they heard was from Applicant - Ref 142804. The Committee therefore could not be satisfied that Applicant - Ref 142804 had struck the male with the hammer. The Committee was concerned that a hammer had allegedly been used in the incident and it was also a matter of concern that the hammer appeared to have disappeared from the scene. The appellant provided an explanation for this, indicating that he was attempting to give the hammer to someone to ensure it could not be used by the male.

That explanation was questionable as, if you had been attacked by a male with a hammer, you would not take steps to ensure that was taken from the scene and disappeared. However, the details of the incident were inconclusive and, on that basis, the Committee were minded to give the benefit of doubt to the appellant on this occasion subject to a warning letter being sent to the appellant as to his future conduct, which would remain on file and may be referred to in

future, should there be any other disciplinary or other matters brought to the Council's attention, involving Applicant - Ref 142804.

RESOLVED that Private Hire Drivers licence 142804 be reinstated subject to a warning letter being sent to the appellant as to his future conduct, which would remain on file and may be referred to in future, should there be any other disciplinary or other matters brought to the Council's attention, involving the appellant.

**GLC
15/20** **Delegated Decisions Update Report**

The Committee noted an update with regards to the decisions which officers had made in utilising powers delegated to them by this Committee, along with an update on the legal appeals lodged and concluded.

RESOLVED that the report be noted.