

# General Licensing Committee

A meeting of General Licensing Committee was held on Tuesday, 14th December, 2021.

**Present:** Cllr Eileen Johnson(Vice-Chair), Cllr Jacky Bright, Cllr Evaline Cunningham, Cllr Mick Moore, Cllr Marilyn Surtees, Cllr Hilary Vickers

**Officers:** Elliot Beevers, John Devine, Polly Edwards, Leanne Maloney-Kelly, Sarah Whaley, John Wynn (MD); Jonathan Nertney (HR, L&C).

**Also in attendance:** Applicant Ref - 152031 and Combined Driver Ref - 001280

**Apologies:** Cllr Paul Kirton, Cllr Robert Cook, Cllr Ken Dixon, Cllr Tina Large, Cllr Maurice Perry, Cllr Lee Spence, Cllr Julia Whitehill, Cllr Bill Woodhead MBE

**GLC 9/21 Evacuation Procedure**

The Evacuation Procedure was noted.

**GLC 10/21 Declarations of Interest**

There were no declarations of interest.

**GLC 11/21 Minutes of the meetings held on 27th April, 20th July and 12th October 2021 for approval and signature**

Consideration was given to the minutes of the General Licensing Committee meetings which were held on 27th April, 20th July and 12th October 2021 for approval and signature.

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

**GLC 12/21 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 13/21 Private Hire Driver Application – 152031**

Members were asked to consider a report and determine what action to take in relation to an application for a private hire drivers' licence, from Applicant Ref - 152031 who had a major traffic offence conviction, which meant he did not meet the current Stockton Borough Council Private Hire & Hackney Carriage Policy.

Applicant Ref - 152031 attended the meeting and made representations in support of his application.

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

The report detailed the following:

- A copy of the Applicant Ref – 152031's application.
- A copy of Applicant Ref – 152031's DLVA check code, currently showing 6 live DVLA points.
- A copy of a written submission from Applicant Ref - 152031 detailing his conviction along with personal references.

The Committee had regard to all the evidence detailed within the Committee report and the oral submissions made by Applicant – Ref 152031.

The Committee noted that Applicant Ref - 152031 did not comply with the Councils policy requirement as he had a relevant driving offence, IN10, for driving without insurance.

In order to depart from the Councils policy, the Committee would need to be persuaded that there were sufficient exceptional reasons. The burden of proof in demonstrating that fell on Applicant Ref - 152031.

Applicant Ref - 152031 also needed to persuade the Committee that he was a fit and proper person to be granted a licence.

Applicant Ref - 152031 explained that he had received the IN10 after being stopped by the Police in 2019.

Applicant Ref - 152031 advised the Committee that he believed he had insurance however explained there had been a problem with his direct debit payment which resulted in his insurance being cancelled by the insurance company.

Applicant Ref - 152031 was advised by Licensing Officers prior to the Licensing hearing that he should provide documentary proof to corroborate his version of events but was not able to provide any such documentary evidence.

The Committee questioned Applicant Ref - 152031 in terms of the lack of documentary evidence to which Applicant Ref - 152031 stated that he had forgotten the password for his e-mail account and therefore could not access his e-mails to obtain the documentary evidence required. Applicant Ref - 152031 was also asked whether he could remember his actual e-mail address to which he stated that he could not.

Applicant Ref - 152031 was also not able to provide details of the insurance company he claimed to be insured with at the time, nor provide any evidence from his bank to demonstrate that there had been a problem with his direct debit.

Applicant Ref - 152031 was asked which vehicle he had been driving when he was stopped by the Police in 2019. Applicant Ref - 152031 stated he was driving a Volkswagen Golf which had been purchased for him, by his father, however the car was registered in Applicant Ref – 152031's name.

The Committee found Applicant Ref – 152031's answers to the questions put to him to be evasive and not believable. In addition, Applicant Ref - 152031 had not provided any documentary evidence to substantiate his version of events.

The Committee were not persuaded that there were any exceptional reasons to persuade them to depart from Council policy and the application for a private hire drivers' licence was refused as Applicant Ref - 152031 was deemed to not be a fit and proper person to hold a licence at this time due to the IN10 offence on his licence.

RESOLVED that Applicant Ref - 152031 be refused a Private Hire Driver Licence for the reasons as detailed above.

**GLC  
14/21**

### **Combined Driver – 001280**

Members were asked to consider a report and determine what action to take in relation to the continued fitness of a suspended Combined hackney carriage and private hire driver Ref - 001280 who was arrested, then released under investigation, whilst enquiries were on-going. Combined Driver Ref - 001280 attended the meeting and made representations in support of reinstating his Combined hackney carriage and private hire driver's licence.

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

The report detailed the following:

- A copy of a Common Law Disclosure received from Cleveland Police dated 8 September 2020. Detailing Combined Driver Ref – 001280's arrest and the reasons why on 31 July 2020.
- A copy of Combined Driver Ref - 001280 immediate suspension letter, until sufficient further information was available to determine his fitness to hold a licence.
- A copy of the Police incident report relating to Combined Driver Ref – 001280.
- A copy of an interview with Combined Driver Ref – 001280 dated 11 August 2021, following receipt of the Police incident report where Combined Driver Ref - 001280 was asked to explain what led to his arrest.

The Committee had regard to all the evidence detailed within the Committee report and the oral submissions made by Combined Driver Ref – 001280.

The Committee noted that Cleveland Police had considered a complaint received from Combined Driver Ref – 001280 sister-in-law. A summary of the Police's investigation and assessment of the evidence was included in the Committee papers. It was noted that the Police had taken no further action and that Combined Driver Ref – 001280 was not charged with any offence.

Combined Driver Ref – 001280 had been consistent in his denial of the allegations against him and asserted that they were malicious allegations. The

Committee were satisfied that based on the evidence presented there was no reasonable cause to take any action against Combined Driver Ref – 001280. After considering all of the evidence the Committee resolved to lift the suspension of Combined Driver Ref – 001280's licence, therefore Combined Driver Ref – 001280's hackney carriage and private hire driver's licence was reinstated.

RESOLVED that Combined Driver Ref – 001280's Hackney Carriage and Private Hire Driver's licence be reinstated for the reasons as detailed above.

**GLC  
15/21**

### **Private Hire Driver - 141916**

Members were asked to consider a report and determine what action to take in relation to the continued fitness of Private Hire Driver Ref - 141916 who's attitude and behaviour with both a member of the public and Licensing Officers had raised concerns regarding his continued safety and suitability. Private Hire Driver Ref – 141916 did not attend the meeting.

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

The report detailed the following:

- A copy of a complaint received against Private Hire Driver Ref – 141916 dated 26th October 21.
- A copy of a formal interview with Private Hire Driver Ref – 141916 which took place on 11 November 2021.
- A copy of an email received from a colleague of the complainant explaining how the complainant attended work on the morning of the incident visibly shaking and very upset.
- A copy of a map showing the route taken by the complainant.
- A copy of photographs showing the Durham Road roundabout where the alleged incident had taken place from Durham Road, Harrowgate Lane and Junction Road.

The Committee had regard to all the evidence detailed within the Committee report and appendices.

The Committee noted that the Licensing Officer had contacted Private Hire Driver Ref – 141916 by telephone on the morning of the meeting to confirm whether he would be attending. Private Hire Driver Ref – 141916 informed the Licensing Officer that he was out of the country in Romania and would not be back in the United Kingdom until February 2022. The Committee requested that the Licensing Officer make further contact with Private Hire Driver Ref – 141916 in order to clarify whether on Private Hire Driver Ref – 141916's return he intended to attend Committee. Private Hire Driver Ref – 141916 informed the Licensing Officer that he wished to have his say.

The Committee considered whether to adjourn the report but were not minded

to doing so given the admissions which Private Hire Driver Ref – 141916 had made in his interview. The Committee were satisfied that they had sufficient information before them in which to decide that they were not minded to agreeing to an adjournment.

The Committee considered the committee report and appendices.

The Committee noted that Private Hire Driver Ref – 141916 had: -

- Followed the complainant, a lone female in her vehicle, to her place of work. It was noted that Private Hire Driver Ref – 141916 claimed he had done so as he were aggrieved with the complainant's manner of driving. Even if there had been an issue with the complainant's manner of driving there was no justification for following her to her place of work. For the avoidance of doubt the Committee did not find that there was any issue with the complainants driving.

- Private Hire Driver Ref – 141916 had driven close to the complainant's vehicle and that this had been perceived by her as threatening.

- Private Hire Driver Ref – 141916 had, on his own admission, taken photographs using his mobile phone while driving. This was illegal and dangerous.

- Private Hire Driver Ref – 141916 had acted in a threatening manner towards the complainant when he followed her to her work car park and interacted with her in an aggressive manner.

Private Hire Driver Ref – 141916 was verbally abusive using foul language to the complainant.

The totality of Private Hire Driver Ref – 141916's behaviour was of extreme concern to the Committee. Private Hire Driver Ref – 141916 had reacted in such an aggressive and threatening manner and suggested that another road user driving was at fault, which was no excuse. Such an extreme reaction was clearly not fit and proper behaviour for a licensed driver.

The Committee were of the view that there was sufficient 'reasonable cause' under the provisions of Section 61(1) (b) of the above-mentioned legislation for Private Hire Driver Ref – 141916's licence to drive private hire vehicles, to be revoked. Private Hire Driver Ref – 141916 was no longer deemed to be a fit and proper person to hold a licence.

The allegation detailed above was extremely serious and it was deemed that on the basis of the allegation, Private Hire Driver Ref – 141916 may pose a safety risk to passengers and the wider public at large and Private Hire Driver Ref – 141916 was informed that under the provisions of Section 61(2B) and in the interest of public safety, this revocation would have immediate effect and Private Hire Driver Ref – 141916 was therefore no longer authorised to drive such vehicles.

RESOLVED that Private Hire Driver Ref – 141916's Private Hire Drivers' licence be revoked for the reasons as detailed above.

