

General Licensing Committee

A meeting of General Licensing Committee was held on Tuesday, 12th April, 2022.

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

Officers: Peter Bell, John Devine (MD), Natalie Hodgson, Johnathan Nertney (D o HR, L&C), Elliot Beevers, Leanne Maloney – Kelly, John Wynn, (D o AH),

Also in attendance: Representatives of the Stockton Hackney Carriage Drivers Association (SHCDA); Mr Tahir Ali, Mr M. Mubeen, Mr Saeed Babhir

Apologies: Cllr Jacky Bright, Cllr Julia Whitehill.

**GLC
16/21** **Evacuation Procedure**

The Evacuation Procedure was noted.

**GLC
17/21** **Declarations of Interest**

There were no declarations of interest.

**GLC
18/21** **Draft Minutes of the General Licensing Committee held on 14th December 2022**

Consideration was given to the minutes of the General Licensing Meeting which was held on 14th December 2022.

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

**GLC
19/21** **Variation to Hackney Carriage Tariff**

Members were asked to consider a report which proposed to vary the tariffs levied in respect of Hackney Carriage fares.

The main topics discussed were as follows:

- Representatives of the Stockton Hackney Carriage Drivers Association (SHCDA) addressed the Committee and informed Members that the increases had been put forward by members of the trade in light of the increase of costs associated with Hackney Carriage work. Members were also made aware that even with the proposed increases, Stockton's Hackney Carriage fares would still be lower than many other local authorities.

- Members further discussed how local tariffs compared to those of other Licensing Authorities. Officers explained that tariffs were set by each individual Local Authority and therefore could vary greatly. The local tariffs Members were considering today had been agreed with the Hackney Carriage trade to encourage use over Private Hire Vehicles and that there had been no increase in over the last 4 years.

- Brief discussion was had around the changes to tariffs after the first 136 yards

and not 140 yards as had been previously stated. Members of the Taxi Trade explained that each tariff had been reduced by 16 yards however the reduction had been missed off tariff 3 inadvertently.

- Officers explained that following the 14 day consultation should there be any amendments to be considered then an updated report could be brought back to the Committee for consideration; any amendments could still be applied if Members felt it necessary.

RESOLVED that;

1. the proposed tariffs be agreed and be advertised as per of the statutory public consultation requirements.

2. if no objections are received the tariff be agreed and implemented the day after the 14 day public consultation ends.

**GLC
20/21** **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
21/21** **Private Hire Driver Application Reference – 153226**

Members were asked to determine an application for a Private Hire Drivers licence from Applicant Ref 153226 who had been convicted of a traffic offence which meant that Applicant Ref 153226 did not meet the current Stockton Borough Council Private Hire & Hackney Carriage Policy.

Applicant Ref 153226 was invited to the meeting however did not attend due to testing positive for COVID -19. Applicant Ref 153226 had expressed her desire for the committee hearing to go ahead in her absence.

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

The report detailed the following:

- A copy of Applicant Ref 153226's application.
- A copy of Applicant Ref 153226's current DVLA check code showing 6 live points.
- A copy of a summary transcript pf the interview with Applicant Ref 153226.
- A copy of relevant e mails and a Police Notice.

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

The Committee 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 own merits.

The Committee noted that Applicant Ref 153226 had been convicted for failing to give information as to the identity of the driver of Applicant Ref 153226's hire vehicle at the time of a speeding offence, DVLA offence code MS90. Although the Committee appreciated that the applicant was seeking to have this conviction set aside, at the time of the Committee meeting the conviction still stood, and therefore the applicant was not deemed to be a fit and proper person at this time.

Although Applicant Ref 153226 had provided some documentary evidence in relation to the hire of the vehicle, the Committee noted that no evidence was provided from the person that the applicant alleged was driving the hire vehicle, in support of the applicant's assertion that she was not driving the hire vehicle at the time of the offence that led to her conviction.

The circumstances of the offence and the explanations given by the Applicant Ref 153226 had left question marks over her behaviour and actions. The Committee did not find Applicant Ref 153226's explanation of her actions in relation to the Police notification and the single justice procedure to be reasonable or believable. The Committee's concerns in relation to those matters added to their belief that the applicant was not a fit and proper person at this time.

Ultimately, the Committee did not believe that Applicant Ref 153226 was a fit and proper person at this time to hold a licence owing to Applicant Ref 153226's conviction for failing to give information as to the identity of the driver of the hire vehicle at the time of the speeding offence and the circumstances surrounding the conviction.

RESOLVED that Applicant Ref 153226's application for a Private Hire Drivers Licence be refused for the reasons as detailed above.