

General Licensing Committee

A meeting of General Licensing Committee was held on Tuesday, 5th July, 2022.

Present: Cllr Paul Kirton(Chairman), Cllr Eileen Johnson(Vice-Chair), Cllr Jacky Bright, Cllr Norma Stephenson (Sub Cllr Robert Cook), Cllr Evaline Cunningham, Cllr Ken Dixon, Cllr Maurice Perry, Cllr Marilyn Surtees, Cllr Hilary Vickers

Officers: Natalie Hodgson, Johnathan Nertney, Sarah Whaley (D o CS), Elliot Beevers, Polly Edwards, Marc Stephenson, John Wynn (D o AH),

Also in attendance: Private Hire Driver – 074122, Private Hire Driver Application – 151729, Private Hire Driver Application – 151812

Apologies: Cllr Tina Large, Cllr Mick Moore, Cllr Lee Spence, Cllr Julia Whitehill, Cllr Bill Woodhead MBE

GLC 1/22 **Evacuation Procedure**

The Evacuation Procedure was noted.

GLC 2/22 **Declarations of Interest**

There were no declarations of interest.

GLC 3/22 **Draft minutes from the General Licensing Committee meeting which was held 12th April 2022**

Consideration was given to the draft minutes from the General Licensing Committee which was held on the 12th April for approval and signature.

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

GLC 4/22 **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 5/22 **Private Hire Driver – 074122**

Members were asked to determine the continued fitness of a licensed Hackney Carriage and Private Hire Driver - Ref 074122 who was arrested for drugs offences and was currently suspended from driving licensed vehicles.

Combined Hackney Carriage and Private Hire Driver – Ref 074122 attended the meeting and made representations.

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

- A copy of a summary of an interview with Combined Hackney Carriage and Private Hire Driver – Ref 074122 with Licensing Officers dated 21 September 2021.
- A copy of a suspension letter dated 27 October 2021, suspending Combined Hackney Carriage and Private Hire Driver – Ref 074122 immediately from driving licensed vehicles.
- A copy of a redacted disclosure.
- A copy of a summary of a second interview with Combined Hackney Carriage and Private Hire Driver – Ref 074122 dated 17 May 2022.
- A copy of a written warning issued to Combined Hackney Carriage and Private Hire Driver – Ref 074122 in 2015 and 2017 which related to attitude & aggressive behaviour.
- A copy of a committee minute and warning letter issued in 2017 relating to Combined Hackney Carriage and Private Hire Driver – Ref 074122's failure to disclose an arrest in 2014.

The Committee noted that they had been asked to consider if Combined Hackney Carriage and Private Hire Driver – Ref 074122 remained a fit and proper person to continue to hold a combined hackney carriage and private licence drivers' licence with this Authority following his arrest for drugs offences and the subsequent suspension of his hackney carriage and private hire vehicle licence in September and October 2021

The Committee noted that detailed within the Committee papers was Cleveland Police's explanation of how Combined Hackney Carriage and Private Hire Driver – Ref 074122 was linked to a large-scale conspiracy to supply drugs.

The Committee heard that Cleveland Police confirmed to Combined Hackney Carriage and Private Hire Driver – Ref 074122 in November 2021 that they were not taking any further action against him in relation to the matters for which he was arrested. The Police did not know who was driving Combined Hackney Carriage and Private Hire Driver – Ref 074122's vehicle on the occasion that it made a journey to Liverpool. The Committee, however, heard that Combined Hackney Carriage and Private Hire Driver – Ref 074122, admitted to driving his vehicle to Liverpool on that occasion.

Combined Hackney Carriage and Private Hire Driver – Ref 074122Y advised the Committee, that as per the contents of his email dated 23rd June 2022 at 22:33:38, that he was visiting friends in Bolton, and received a telephone call from his son to collect clothing for him in Liverpool as his car had broken down. Combined Hackney Carriage and Private Hire Driver – Ref 074122 told the Committee that he arrived at an unknown address in Liverpool, having received the postcode from his son, and that a bag was placed in the rear of his vehicle. Combined Hackney Carriage and Private Hire Driver – Ref 074122 also stated that the bag contained tracksuits and trainers, however when asked by the Committee to clarify this point he confirmed that he did not look inside the bag at any time.

The Committee, having considered all of the information before them, including Combined Hackney Carriage and Private Hire Driver – Ref 074122's explanation of events, found that the answers he gave to their questions were evasive and not believable. The Committee found that on the balance of probability that the collection of the package/bag from Liverpool was suspicious activity. The Committee therefore felt that Combined Hackney Carriage and Private Hire Driver – Ref 074122 was involved with the conspiracy to supply drugs.

The Committee also took into account Combined Hackney Carriage and Private Hire Driver – Ref 074122's confirmation that both of his sons were currently incarcerated at HMP Durham, for what he believed to be kidnap offences. Again, the Committee found Combined Hackney Carriage and Private Hire Driver – Ref 074122's answers to questions in relation to this point to be disingenuous.

The Committee noted that Combined Hackney Carriage and Private Hire Driver – Ref 074122's licence to drive private hire vehicles was suspended in October 2021, following his arrest in September 2021. The Committee considered what action to take and whether to lift the suspension and restore his licence or to take some other action. The Committee considered all of the evidence presented to them and the answers Combined Hackney Carriage and Private Hire Driver – Ref 074122 gave to their questions. The Committee determined that the suspension of his licence be lifted and that there was sufficient 'reasonable cause' under the provisions of Section 61(1)(b) of the above-mentioned legislation for Combined Hackney Carriage and Private Hire Driver – Ref 074122's licence to drive hackney carriage and private hire vehicles, to be revoked. Combined Hackney Carriage and Private Hire Driver – Ref 074122 was no longer deemed to be a fit and proper person to hold a licence.

Involvement in the supply of drugs and close links to offenders are extremely serious, and it was therefore deemed that Combined Hackney Carriage and Private Hire Driver – Ref 074122 may pose a safety risk to passengers and the wider public at large. He was therefore informed that under the provisions of Section 61(2B) of the Act, and in the interest of public safety, this revocation would have immediate effect and Combined Hackney Carriage and Private Hire Driver – Ref 074122 was therefore no longer authorised to drive such vehicles.

In reaching this decision, the Council had considered relevant case law on this issue and in particular the case of R (on the application of Singh) v Cardiff City Council [2012] EWHC 1852 (Admin). The Council had also had regard to the case of Leeds City Council v Hussain [2002] EWHC 1145 (Admin) which was heard in the High Court in 2002. The case confirmed that when taking action in relation to a licence, the impact of a suspension on a driver's livelihood and the absence of compensation are not relevant considerations to be taken into account when deciding whether there is a "reasonable cause".

That principle was also confirmed in the case of Cherwell District Council v Anwar [2011] EWHC 2943 (Admin). It is the Committee's view that these principles also apply when a decision is taken to revoke a licence.

RESOLVED that Combined Hackney Carriage and Private Hire Driver - Ref 074122's suspension of his licence be lifted and that Combined Hackney Carriage and Private Hire Driver – Ref 074122's licence to drive hackney carriage and private hire vehicles be revoked for the reasons as detailed above.

**GLC
6/22** **Private Hire Driver Application – 151729**

Members were asked to determine an application for a Private Hire Drivers Licence from Applicant Ref 151729.

Applicant Ref 151729 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 Applicant Ref 151729's application.
- A copy of a summary transcript of interview with Applicant Ref 151729 and Licensing Officers.
- A copy of Applicant Ref 151729's current DVLA check code, currently showing no live DVLA points

The Committee noted that the application was for the grant of an application to drive private hire vehicles from Applicant Ref 151729 who had completed an enhanced DBS which showed 2 convictions for failing to stop and failing to report an accident in 2002.

The Committee considered all the papers before them and verbal submissions from Officers and Applicant Ref 151729.

Members noted that in the licensing regime, convictions can always be taken into consideration, regardless of the amount of time that has passed. Applicant Ref 151729 gave assurances to the Committee that he had matured since his conviction and Members felt Applicant Ref 151729 could be trusted to be a responsible licensed driver.

The Committee confirmed that Applicant Ref 151729's application did comply with the current Private Hire & Hackney Carriage Licensing Policy. The Committee was satisfied that Applicant Ref 151729 was policy compliant and was a fit and proper person. Applicant Ref 151729 gave assurances to the Committee that they could trust him to be a responsible licensed driver. The Committee placed its trust in Applicant Ref 151729 and therefore the Committee granted Applicant Ref 151729 his licence with a warning that he should repay this trust and would not act in any way that would bring him to the Committee's attention in the future.

RESOLVED that Applicant Ref 151729 be granted his private hire drivers' licence for the reasons as specified above.

GLC **Private Hire Driver Application – 151812**

Members were asked to determine an application for a Private Hire Drivers Licence from Applicant Ref 151812 who had completed an enhanced DBS which showed a conviction in 2016.

Applicant Ref 151812 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 Applicant Ref 151812's application, including a DVLA check certificate showing no offences or DVLA points.
- A summary transcript of an interview with Applicant Ref 151812 and Licensing Officers.
- A copy of an email from Thames Valley Police confirming that Applicant Ref 151812 had given the correct version of events relating to a conviction which happened in 2016.

The Committee noted that the application was for the grant of an application to drive private hire vehicles from Applicant Ref 151812 who had completed an enhanced DBS which showed a conviction for battery in September 2016.

Applicant Ref 151812 explained during interview that the conviction arose when an elderly male had approached him while he was in a licensed premise in Slough. Applicant Ref 151812 stated that the male had offered him £100 for sex which Applicant Ref 151812 found to be deeply offensive which resulted in Applicant Ref 151812 assaulting him. Applicant Ref 151812 was subsequently convicted at Berkshire Magistrates court, given a conditional discharge with £300 costs and a victim surcharge.

This matter was brought before the Committee due to the circumstances of the incident that led to Applicant Ref 151812's conviction for battery in September 2016 at Berkshire Magistrates' Court, and his subsequent failure to declare this conviction on his application form.

The Committee considered all the papers before them, and the verbal submissions made by Officers and Applicant Ref 151812.

Members noted that in the licensing regime, convictions can always be taken into consideration, regardless of the amount of time that has passed. Applicant Ref 151812 gave assurances to the Committee that he had matured since his conviction and that they could trust him to be a responsible licensed driver.

The Committee confirmed that Applicant Ref 151812's application did comply with the current Private Hire & Hackney Carriage Licensing Policy. The Committee was satisfied that Applicant Ref 151812 was policy compliant and was a fit and proper person to hold a licence. The Committee had placed its trust in Applicant Ref 151812 but with a warning that Applicant Ref 151812 should repay this trust and would not act in any way that would bring Applicant Ref 151812 to the Committee's attention in the future.

The Committee was minded to grant Applicant Ref 151812 a licence, and delegate the decision to Officers for them to grant this. The committee stated that Applicant Ref 151812 must also complete a further DVLA check to show he had no convictions since his application was submitted.

RESOLVED that Applicant Ref 151812 be granted his private hire drivers' licence for the reasons as specified above.