

GENERAL LICENSING COMMITTEE

A meeting of General Licensing Committee was held on Tuesday 8 August 2023.

Present: Cllr Eileen Johnson (Chair), Cllr Mick Moore, Cllr Marc Besford, Cllr Diane Clarke OBE, Cllr Robert Cook, Cllr Jason French, Cllr Clare Gamble, Cllr Elsi Hampton, Cllr Mrs Ann McCoy, Cllr Marilyn Surtees, Cllr Andrew Sherris and Cllr Hilary Vickers.

Officers:

Also in attendance:

Apologies: Cllr Susan Scott and Cllr Hugo Stratton.

GLC/8/23 Evacuation Procedure

The evacuation procedure was noted.

GLC/9/23 Declarations of Interest

Cllr Gamble declared an interest as she had family who were Private Hire Taxi drivers and would not take part in the meeting during Agenda Items four and five.

GLC/10/23 Minutes

Consideration was given to the minutes from the General Licensing Committee meeting which was held on 18 April 2023.

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

GLC/11/23 VARIATION TO HACKNEY CARRIAGE TARIFFS

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 Taxi trade who were present emphasised that the increases to the day and night time tariffs were necessary, due to the increase in cost of fuel and the cost of living.

The impact on the daytime trade user who were most often elderly or disabled was highlighted by another representative of the Taxi Trade opposed to the increase.

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.

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/12/23 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY REVIEW

Offers presented a report which outlined the private hire and hackney carriage policy consultation which had been carried out at the request of the transport trade.

The report outlined the proposed wording change for any applications for new hackney carriage vehicles would need to be wheelchair accessible, while existing hackney carriage vehicles would still be able to be replaced like for like.

The current wording is as follows:

Wheelchair Accessible Vehicles (WAV)

WAV's that are currently licensed may be replaced with a like for like vehicle e.g. another WAV that complies with current policy.

Departure from policy in exceptional circumstances e.g. medical grounds will be considered on a case by case basis.

The hackney carriage and private hire trade will continue to be encouraged to licence a proportion of their fleet as Wheelchair Accessible Vehicles

And the proposed wording is as follows:

All new applications for hackney carriage vehicle licences are required to be wheelchair accessible vehicles.

Hackney carriage vehicles which are currently licensed may be replaced with a like for like vehicle e.g.

- WAVs maybe replaced with another WAV which complies with current Policy.
- Saloons (5 seats) may be replaced with another Saloon which complies with current Policy
- MPVs (more than 5 seats) may be replaced with another MPV which complies with current Policy

The private hire trade will continue to be encouraged to licence a proportion of their fleet as Wheelchair Accessible Vehicles.

Members heard for the Trade representatives who were present at the meeting who all agreed with the proposal set out in the report.

RESOLVED that the proposal be sent to Cabinet.

GLC/13/23 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/14/23 Combined Hackney Carriage and Private Hire Driver Application – 074134

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence, from Applicant – 074134.

Applicant - 074134 attended the meeting and was given the opportunity to make representation.

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

The committee heard that the applicant had previously been a licensed combined Hackneys Carriage and Private Hire Driver with the authority. But had been their license revoked in January 2019 and an application refused in September 2022.

The Applicant gave assurances to the Committee that they are a fit and proper person, and that Members can trust them to be a responsible licensed driver with some examples of having faced some 'real life' situations where the applicant could have lost their temper and attending two courses of anger management sessions.

The Committee took note of the applicant's history of anger outbursts but were satisfied that the applicant was now a fit and proper person to hold a licence. The Committee determined to place their trust in the applicant and grant them a licence.

RESOLVED that that Combined Hackney Carriage and Private Hire Applicant have his Combined Hackney Carriage and Private Hire Drivers Licence granted for the reasons as detailed above.

GLC/15/23 Combined Hackney Carriage and Private Hire Driver Application – 066876

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence, from Applicant- 066876 who had a relevant conviction, meaning he did not meet current Transport Policy.

Applicant - 066876 attended the meeting and was given the opportunity to make representation.

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

The Committee heard that the applicant had been a licensed combined Hackney Carriage and Private Hire driver with this authority from 25th October 2006, until his license was revoked by the Licensing Committee on 29th May 2018.

The Committee were informed that on 13th November 2017, a complaint was received of alleged inappropriate conduct towards a female passenger. On 29th December 2017, a further complaint of inappropriate conduct towards a female passenger was reported and Applicant 066876 licence was suspended pending a full investigation.

The Committee heard that the applicant continued to deny these allegations to Licensing Officers during the investigations and to the Licensing Committee, and that despite this, the Committee determined on the balance of probabilities that he had taken advantage of lone and vulnerable female passengers. The Committee noted that the 2018 Committee had therefore revoked Applicant 066876 licence with immediate effect.

The Committee noted that in June 2018 the applicant appealed this decision to Teesside Magistrates' Court, where the Committee's decision was upheld and the appeal dismissed.

The Committee heard the applicants background as a licenced driver with the Authority included written warnings for inappropriate behaviour towards a lone female passenger in 2007, and for his attitude and speeding in 2008.

The applicant's legal representative explained to the Committee that the applicant continues to deny the allegations against him and feels that installing CCTV in his vehicle would protect the public and the applicant himself.

The legal representative explained to the Committee that time has elapsed and the driver has behaved himself and is willing to be watched and scrutinised.

In response to questioning from the Committee in relation to concerns that he has never admitted any wrongdoing, despite both the previous Committee and the Court finding on the balance of probabilities that they did not believe the applicant, the applicant reassured the Committee that passengers were safe with him and that CCTV will protect them and him.

Based on everything they had considered, the Committee do not believe, on the balance of probabilities, that the driver is a fit and proper person to hold a combined hackney carriage and private hire vehicle driver's licence. The Committee were unanimously satisfied that Applicant 066876 application for a combined hackney carriage and private hire vehicle driver licence should therefore be refused.

RESOLVED that Applicant – 066876s, application for a Combined Hackney Carriage and Private Hire Drivers Licence be refused for the reasons as detailed above.

GLC/16/23 Combined Hackney Carriage and Private Hire Driver – 112026

Members were asked to consider and determine the continued fitness of a licensed hackney carriage and private hire driver who was arrested and currently suspended from driving licensed vehicles with this authority.

Combined hackney carriage and private hire driver - 112026 attended the meeting and was given the opportunity to make representation.

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 heard that the driver had been licensed by this authority since October 2014, with his current licence due to expire on 20 September 2024.

The Committee were told that a Common Law Disclosure was received from Cleveland Police, dated 10 September 2020 a copy of which was shown in appendix 1 of the report.

26/08/2020 Driver 112026 was arrested for the alleged offences of 'C/Supplying controlled drug class A – Cocaine' and 'Supplying a psychoactive substance'. Driver 112026 is released under investigation whilst enquiries are on-going. The circumstances are that it is alleged that the Driver is involved in the conspiracy to supply class A drugs.

The Committee heard that Driver 112026 driver licence was suspended due to this information on 15th September 2020, following a delegated decision process.

The Committee were told that Driver 112026 notified licensing officers in 2023 that no further action had been taken by the police in relation to this matter. Members heard that licensing officers subsequently obtained a copy of the police file and a factual summary disclosure from the police Northeast Regional Specialist Operations Unit (NERSOU), as part of their investigation, to determine if the driver was a fit and proper person to hold a driver licence with the Authority, as is routine in such circumstances.

The Committee heard that the factual summary disclosure referenced police gaining entry to and searching a blue box storage unit in November 2019, rented by Driver 112026. Members heard that the rental agreement was taken out by Driver 112026 who had supplied his driving licence as proof of identification. The Driver had been observed at the storage unit in his taxi. Police had recovered more than 16,000 nitrous oxide gas cannisters from the container.

The Committee were told that Driver 112026 was interviewed by licensing officers on 16th May 2023, where he denied these allegations and any misuse of nitrous oxide, citing that he had a cream bakery chargers' business, which is a catering supplies business.

The Committee noted the summary transcript of the interview at Appendix 8, including the drivers explanation that he understood that people can misuse the nitrous oxide containers, but that the containers he supplied were used to make the whipped cream for cakes. The Committee further noted the driver's explanation that when customers placed an order online they were required to complete an online form and provide proof of ID to demonstrate being over 18 years old. The Committee noted that when asked for website details the driver could not evidence this, and stated that the website is no longer available.

The Committee heard that in interview, the driver was asked about the contents of his storage container, and stated that it was empty, and stated that it was not his container that was searched by the police, despite Police disclosure confirming that it was the drivers driving licence being provided as proof of ID for the rental of the storage unit. The Committee heard that when asked why he had remained silent during his police interview, Driver 112026 said that this was what his solicitor at the time had advised him to do.

The Committee were told that when asked in interview by licensing officers about the balloons found in his property by Police, they denied that any were found. The Committee heard that the driver explained to officers in interview that to misuse the nitrous oxide cannisters there is a need for balloons, and he maintained there were none found at his property.

The Committee noted that the driver was reminded when interviewed that the police report stated that there were balloons recovered, however they continued to deny any balloons being found at his property. The Committee heard that during the interview with licensing officers, he clearly described how nitrous oxide cannisters were misused using balloons.

The Committee heard that Companies House checks showed that the cream chargers business was registered on Companies House on 28 January 2020, with Driver 112026 and another individual as named directors of the company. The Committee noted that when asked why the other individual became a director and resigned on the same day, Driver 112026 advised officers that 'just at that time he was, truthfully, he was going to college'.

The Committee were told that Companies House checks revealed that only £100 was recorded on the company's accounts in July 2020, July 2021, July 2022. The Committee noted that when asked to explain this, Driver 112026 explained that this was dealt with by his accountant on his behalf.

The Committee noted that when the driver was asked in interview why he started his cream charger's business in 2020, his explanation was that a friend who owned a restaurant suggested that he do so, and had told him that this was legal unless he sold the items for misuse.

The Committee heard that when asked in interview about him offering deliveries of nitrous oxide cannisters on Facebook until 1:00am, the driver made reference to a social media and marketing person, being responsible for this, but that he did not offer deliveries until this time. The Committee noted that the driver stated that he no longer had access to this information as his website was closed.

The Committee were told that Driver 112026 was licensed by the City of Wolverhampton Council at the time of his arrest and subsequently had his licence revoked by them.

The Committee heard the drivers background as a licenced driver with the Authority; he was originally licensed in December 2008 and it was revoked in 2011 due to concerns over his manner of driving. The Committee noted that since his licence was granted with a warning in July 2014, two separate anonymous safeguarding and drugs complaints had been received in March 2017.

The Committee and Driver 112026 representative were given an opportunity to ask questions of the officer.

Driver 112026 Legal representative explained to the Committee that the police had taken no further action against Driver 112026 following his arrest in August 2020; he therefore submits that he is a fit and proper person to be a licenced driver.

They further explained to the Committee that Driver 112026 states that the storage unit searched by police was not his storage unit; a Subject Access Request confirmed that storage unit 13 was searched on 8th November 2019. The Committee noted that

the legal representative had provided a copy of an invoice from Blue Box Storage, addressed to the driver dated 4th November 2019, for rental of unit 69A for the period of 1st to 30th November 2019. The Committee noted that Driver 112026 denies that storage unit 13 was his.

The Committee heard from the legal representative that despite Driver 112026 having a business supplying nitrous oxide cannisters, the 16,000 cannisters found were nothing to do with the driver.

Driver 112026 now asserts that the balloons found at his property belonged to his partner, who ran a legitimate balloon business.

With regard to the limited transactions appearing on the company accounts, Driver 112026 legal representative told the Committee that the business only lasted six or seven months and has not traded since.

In response to questioning from the Committee in relation to Driver 112026 being observed by police transporting known criminals around Teesside, the legal representative told the Committee that as a taxi driver it would be unusual if he was not doing this.

Based on everything they had considered the Committee do not believe, on the balance of probabilities, that the driver is a fit and proper person to hold a combined hackney carriage and private hire vehicle drivers licence. The Committee were unanimously satisfied that Driver 112026 combined hackney carriage and private hire vehicle driver licence should therefore be revoked.

RESOLVED that that Combined Hackney Carriage and Private Hire Driver – 112026s, Combined Hackney Carriage and Private Hire Drivers Licence be revoked for the reasons as detailed above.