

Date: Tuesday 28 May 2024 at 10.00 am

Venue: Jim Cooke Conference Suite, Stockton Central Library, The Square, Stockton-on-Tees, TS18 1TU

Cllr Eileen Johnson (Chair)
Cllr Mick Moore (Vice-Chair)

Cllr Marc Besford
Cllr Robert Cook
Cllr Clare Besford
Cllr Mrs Ann McCoy
Cllr Andrew Sherris
Cllr Marilyn Surtees

Cllr Diane Clarke OBE
Cllr Jason French
Cllr Elsi Hampton
Cllr Susan Scott
Cllr Hugo Stratton
Cllr Hilary Vickers

AGENDA

- 1 Evacuation Procedure** (Pages 7 - 8)
- 2 Apologies for Absence**
- 3 Declarations of Interest**
- 4 Minutes**

To approve and sign the minutes of the General Licening Committee meetings held on 5th December 2023 and 30 January 2024. (Pages 9 - 28)
- 4.1 Any Other Business**
- 5 Exclusion of the Public**
- 6 Private Hire Driver Application - 156919** (Pages 29 - 50)
- 7 Combined Hackney Carriage and Private Hire Driver Application – 062932** (Pages 51 - 84)

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Sarah Whaley on email sarah.whaley@stockton.gov.uk

KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance



Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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Jim Cooke Conference Suite, Stockton Central Library **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

Microphones

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

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GENERAL LICENSING COMMITTEE

A meeting of General Licensing Committee was held on Tuesday 5 December 2023.

Present: Cllr Eileen Johnson (Chair), Cllr Diane Clarke OBE, Cllr Robert Cook, Cllr Jason French, Cllr Clare Gamble, Cllr Andrew Sherris, Cllr Marilyn Surtees and Cllr Hilary Vickers.

Officers: Natalie Hodgson, Sarah Whaley, Elliott Beevers, Leanne Maloney-Kelly (DoAH&W) and Amy Stephenson (DoAH&W).

Also in attendance: Driver 103792 and 001336 and Applicant, 156401

Apologies: Cllr Mick Moore (Vice-Chair), Cllr Marc Besford, Cllr Elsi Hampton, Cllr Mrs Ann McCoy and Cllr Hugo Stratton.

GLC/26/23 Evacuation Procedure

The Evacuation Procedure was noted.

GLC/27/23 Declarations of Interest

Cllr Hilary Vickers informed that Committee that she personally knew Private Hire Driver Application - 156401. In the interests of openness and transparency Cllr Vickers left the meeting and did not take part in any discussion or vote on the item.

GLC/28/23 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/29/23 Combined Hackney Carriage and Private Hire Driver – 103792

Members were asked to consider and determine the continued fitness of Combined Private Hire and Hackney Carriage Driver – 103792 who was previously under investigation by North East Regional Organised Crime Unit (NEROCU) and was currently suspended from driving licensed vehicles.

Combined Private Hire and Hackney Carriage Driver – 103792 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 report detailed the following:

. A copy of a disclosure detailing the arrest of Combined Private Hire and Hackney Carriage Driver – 103792 for the alleged drugs offences.

. A copy of an Officer delegated decision and suspension letter relating to Combined Private Hire and Hackney Carriage Driver – 103792.

. A copy of an updated disclosure from Cleveland Police.

. A copy of an interview plan with planned questions for Combined Private Hire and Hackney Carriage Driver – 103792, and a copy of the summary transcript during interview with Combined Private Hire and Hackney Carriage Driver – 103792.

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

Members of the Council's General Licensing Committee considered all of the information before them, full details of which appeared before the Members in their agenda and background papers.

The Committee understood that the matter before them was to determine the continued fitness of Combined Private Hire and Hackney Carriage Driver – 103792 as detailed within the Officers Committee report.

The Committee heard that the disclosure from Cleveland Police confirmed that Combined Private Hire and Hackney Carriage Driver – 103792 was arrested by police on 26th July 2022, for the alleged offences of:-

- 2 x 'Produce controlled drug – class B – cannabis'; and
- 'Facilitate the acquisition/acquire/possess criminal property'; and
- 'Participate in the criminal activities of an on organised crime group'.

The Committee were told that it was alleged that Combined Private Hire and Hackney Carriage Driver – 103792 was involved in the production of cannabis, was suspected to have assisted Albanian organised crime groups to send money out of the UK and booking flights for Albanian's using false identification.

The Committee heard that due to the seriousness of the allegations, Combined Private Hire and Hackney Carriage Driver – 103792's drivers' licence was suspended on 23rd August 2022. Combined Private Hire and Hackney Carriage Driver – 103792 appealed this decision to the Magistrates' Court. The Committee were advised that the appeal was determined on the 6th January 2023; Combined Private Hire and Hackney Carriage Driver – 103792's appeal was unsuccessful.

The Committee were told that on 9th November 2023, an update was received confirming that the North East Regional Organised Crime Unit (NEROCU) were not taking any further action against Combined Private Hire and Hackney Carriage Driver – 103792 in relation to the matters for which he was arrested.

The Committee heard that as per standard procedure, a copy of the police file was requested from NEROCU via Cleveland Police. Disclosure was received on 15 November 2023.

The Committee were advised that the disclosure received from the police stated that;

- Combined Private Hire and Hackney Carriage Driver – 103792 had used his bank card to purchase several flights for suspects involved in large scale cannabis production;
- Combined Private Hire and Hackney Carriage Driver – 103792 had transferred money abroad on behalf of suspects involved in large scale cannabis production;
- Combined Private Hire and Hackney Carriage Driver – 103792's bank account contained more turnover than his income declared to the HMRC; and
- Combined Private Hire and Hackney Carriage Driver – 103792 owned a property in Co Durham, which was identified as a cannabis farm.

The Committee heard that Combined Private Hire and Hackney Carriage Driver – 103792 denied the allegations when interviewed by the police, and subsequently when interviewed by Licensing Officers on 16 November 2023. The Committee noted that Combined Private Hire and Hackney Carriage Driver – 103792 denied any involvement in drugs offences and organised crime.

The Committee were told that when asked in interview about using his personal bank account when booking flights for customers, Combined Private Hire and Hackney Carriage Driver – 103792 explained that he had a travel agency business and this involved booking flights, arranging global money transfers and that he was providing parcel courier services. Combined Private Hire and Hackney Carriage Driver – 103792 told the Committee that this work was undertaken from his personal bank account rather than a business account because “banks do not like travel agencies and money transfer companies”.

The Committee heard that Cleveland Police Disclosure & Barring Unit confirmed that upon arrest, Combined Private Hire and Hackney Carriage Driver – 103792 declared that his occupation was “unemployed”; and that he did not declare at that time that he was a licensed driver. Combined Private Hire and Hackney Carriage Driver – 103792 told the Committee that he disputed this.

The Committee were also told of Combined Private Hire and Hackney Carriage Driver – 103792's driver history between September 2008 and March 2016, which was included within the Committee report:-

- Suspension of Combined Private Hire and Hackney Carriage Driver – 103792's licence in 2008 following his arrest for assault occasioning actual bodily harm and threats to kill. Combined Private Hire and Hackney Carriage Driver – 103792 was subsequently charged with both offences, and then found not guilty of the assault charge. The charge in relation to threats to kill were dropped. Combined Private Hire and Hackney Carriage Driver – 103792's licence suspension was lifted following this result.
- Revocation of Combined Private Hire and Hackney Carriage Driver – 103792's licence in August 2011 by the Committee due to three separate complaints relating to his manner of driving, attitude and behaviour in 2010, an arrest by police in February 2011 for breach of a harassment order and an unsatisfactory criminal record check in June 2011.

- Combined Private Hire and Hackney Carriage Driver – 103792 re-applied for a combined hackney carriage and private hire vehicle licence in June 2014, which was granted by the Committee with a written warning regarding his future conduct.
- Combined Private Hire and Hackney Carriage Driver – 103792 appeared before the Committee again in March 2016 due to him misleading/obstructing officers during an investigation.

Combined Private Hire and Hackney Carriage Driver – 103792 explained to the Committee that he was the Director of and ran a travel agency, employing one employee. The Committee heard from Combined Private Hire and Hackney Carriage Driver – 103792 that he worked as an agent for legitimate global companies, including arranging international money transfers and booking flights for customers.

Combined Private Hire and Hackney Carriage Driver – 103792 explained to the Committee that he made profits from commission received from bookings, and also by switching bookings to cheaper sources. Combined Private Hire and Hackney Carriage Driver – 103792 told the Committee that customer identification was not required when booking flights, and that it was not for him to check identification of his customers.

With regard to the property in Co Durham owned by Combined Private Hire and Hackney Carriage Driver – 103792, that was discovered to be a cannabis farm, Combined Private Hire and Hackney Carriage Driver – 103792 denied any knowledge of this to the Committee. Combined Private Hire and Hackney Carriage Driver – 103792 told the Committee that he purchased this property with family and friends as an investment, renovated the property to make it habitable, and rented it out to two separate tenants.

In response to the Committee's questioning in relation to the property, Combined Private Hire and Hackney Carriage Driver – 103792 confirmed that he did visit the property, but never smelled cannabis.

The Committee questioned Combined Private Hire and Hackney Carriage Driver – 103792 about his money transfer and travel business. The Committee asked Combined Private Hire and Hackney Carriage Driver – 103792 why his turnover was higher than his income. Combined Private Hire and Hackney Carriage Driver – 103792 explained that this was due to the way that flights were booked and then re-booked to achieve a saving. Combined Private Hire and Hackney Carriage Driver – 103792 told the Committee that he received commission at the end of each month, he then deducted his expenditure from this figure before declaring his income.

In response to the Committee's questioning in relation to money transfers, Combined Private Hire and Hackney Carriage Driver – 103792 confirmed that he did transfer large sums, approximately two thousand pounds per customer, to Albania and other countries, but assured the Committee that this was legitimate.

The Committee questioned Combined Private Hire and Hackney Carriage Driver – 103792 about the circumstances of his arrest and subsequent charge in 2008 for assault occasioning actual bodily harm and threats to kill. Combined Private Hire and Hackney Carriage Driver – 103792 said that this was a family matter, and that he could not remember any more about this.

The Committee was given an opportunity to ask questions of Combined Private Hire and Hackney Carriage Driver – 103792, with Combined Private Hire and Hackney Carriage Driver – 103792 speaking last.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the oral submissions made by the driver in response to the Committee's questions.

Having carefully considered the written documentation before them and in reaching their decision, the Members had regard to the provisions of the Local Government (Miscellaneous Provisions) Act 1976. The Committee also had regard to the Council's Private Hire and Hackney Carriage Licensing Policy 2021 – 2026 ("the Policy").

The Committee noted that the relevant legislative provision in this case is under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976. This allows the Committee to suspend or revoke licences for "any other reasonable cause". When determining this matter, the Committee considered this matter on its merits.

The Committee appreciated that the police took no further action against Combined Private Hire and Hackney Carriage Driver – 103792 in relation to his arrest in July 2022 for the production of cannabis and involvement in organised crime. The Committee noted, however, that they must consider this matter on a lower standard of proof, on 'the balance of probabilities', rather than the criminal standard which is 'beyond reasonable doubt'.

The Committee members took into consideration that Combined Private Hire and Hackney Carriage Driver – 103792 appeared disingenuous in response to the Committee's questioning about his money transfer and travel business. The Committee found it hard to accept that Combined Private Hire and Hackney Carriage Driver – 103792, who admitted owning a property found to be a cannabis farm, and had also purchased several flights and transferred money abroad for suspects involved in large scale cannabis production, was running a legitimate business. The Committee's doubts in relation to these matters were compounded by Combined Private Hire and Hackney Carriage Driver – 103792's dubious explanation in relation to the use of his personal bank account to run his businesses rather than a business bank account; that banks do not like money transfer and travel companies.

The Committee noted that the police had confirmed that upon his arrest in 2022, Combined Private Hire and Hackney Carriage Driver – 103792 had initially declared that his occupation was "unemployed"; and that he did not declare at that time that he was a licensed driver. The Committee did not accept Combined Private Hire and Hackney Carriage Driver – 103792's claim that the police information was incorrect. The Committee noted that Combined Private Hire and Hackney Carriage Driver – 103792 did not provide any evidence to this effect.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with Combined Private Hire and Hackney Carriage Driver – 103792 due to their doubts surrounding his explanation of the circumstances that led to his arrest. The Committee felt that this was compounded by Combined Private Hire and Hackney Carriage Driver – 103792's concerning history as a licenced driver; his licence being suspended in 2008 and revoked in 2011. The Committee noted that when Combined Private Hire and Hackney Carriage Driver – 103792's current licence was granted in 2014, it included a written warning regarding his future conduct.

The Committee considered the Local Government Association Councillor Handbook: Taxi and PHV Licensing, which states:- “In the case of *McCool v Rushcliffe Borough Council* 1998, Lord Bingham said this:

“One must it seems to me approach this case bearing in mind the objectives of this licensing regime which is plainly intended among other things to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.”

Lord Bingham’s view has since been confirmed in two further court cases; *Anwar v Cherwell District Council* and *Leeds Council v Hussain*.” In the Committee’s view, the circumstances that had led to revocation being proposed meant that they could not ensure as far as possible that Combined Private Hire and Hackney Carriage Driver – 103792 was a safe and honest driver. The Committee noted that holding a licence was a privilege and not a right.

Ultimately, the Committee did not believe that Combined Private Hire and Hackney Carriage Driver – 103792 was a fit and proper person to hold a combined hackney carriage and private hire vehicle drivers’ licence. The Committee were unanimously satisfied that the suspension on Combined Private Hire and Hackney Carriage Driver – 103792’s licence should be lifted and under the provisions of section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 Combined Private Hire and Hackney Carriage Driver – 103792’s combined driver licence be revoked.

The Committee deemed this matter as extremely serious, and it was therefore deemed Combined Private Hire and Hackney Carriage Driver – 103792 may pose a safety risk to passengers and the wider public, therefore under the provisions of section 61(2b) and in the interest of public safety, the revocation would have immediate effect, and Combined Private Hire and Hackney Carriage Driver – 103792 was immediately no longer authorised to drive such vehicles.

RESOLVED that Combined Private Hire and Hackney Carriage Driver – 103792’s vehicle drivers’ licence be revoked immediately for the reasons as detailed above.

GLC/30/23 Hackney Carriage Driver – 001336

Members were asked to consider and determine the continued fitness of Hackney Carriage Driver – 001336 who had received a relevant complaint from a member of the public.

Hackney Carriage Driver – 001336 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 report detailed the following:

. A copy of the complainants detailed account of the witnessed incident.

. A copy of a delegated decision and suspension letter relating to Hackney Carriage Driver – 001336.

. A copy of a summary transcript of an interview with Hackney Carriage Driver – 001336 and Licensing Officers detailing the complaint against him and his full explanation of the alleged incident.

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

Members of the Council's General Licensing Committee considered all of the information before them, full details of which appeared before the Members in their agenda and background papers.

Members heard that on 18th October 2023 the Licensing Office received a complaint in relation to Hackney Carriage Driver – 001336. The complainant stated they had just seen Hackney Carriage Driver – 001336 assault a female at Thornaby Train Station, and it appeared Hackney Carriage Driver – 001336 was pulling at a female's clothing while she was trying to get out of Hackney Carriage Driver – 001336's vehicle. The complainant thought that the female was waiting for her friend to come and pay the fare for the journey.

Following the complaint an investigation into the matter commenced and a detailed account of the incident was obtained from the complainant alongside a video showing Hackney Carriage Driver – 001336 following the female after she got out of Hackney Carriage Driver – 001336's car and where Hackney Carriage Driver – 001336 was calling her names.

Due to this evidence Hackney Carriage Driver – 001336's licence to drive Hackney Carriage Vehicles was suspended on 23rd October 2023 in the interest of Public Safety via the Delegated Decision process.

Further enquires were undertaken such as requesting CCTV from Thornaby Train Station, and Hackney Carriage Driver – 001336 was formally interviewed in relation to the matter on 22nd November 2023. During the interview Hackney Carriage Driver – 001336 was asked a number of questions and gave his account of what happened during the incident.

Hackney Carriage Driver – 001336 admitted to attempting to take the female to the police station, insulting her when she left the car, holding onto the female while the car was moving and driving an excessive distance with the door open in the car park. Hackney Carriage Driver – 001336 denied hitting or assaulting the female. Hackney Carriage Driver – 001336 explained that he waited for the female's friend to come and pay the fare and quickly realised no one was coming. Hackney Carriage Driver – 001336 then turned his vehicle around in the car park and advised the female that he was taking her to the police station, at this point the female opened the door while the car was moving and tried to escape, and Hackney Carriage Driver – 001336 held onto her during this. Hackney Carriage Driver – 001336 then stopped outside the station building where the female got out of the vehicle after Hackney Carriage Driver – 001336 was trying to prevent her from doing so. At the end of the interview, Hackney Carriage Driver – 001336 was asked about his view on the situation which Hackney Carriage Driver – 001336 explained that he would not want to go through any of that again.

Hackney Carriage Driver – 001336 explained at the time his mind was all over the place and everything happened so quickly. Hackney Carriage Driver – 001336 was finally asked if he believed he remained a fit and proper person to hold a licence. Hackney Carriage Driver – 001336 believed he was and that he had been doing this job for forty years, had a good disciplinary record and had also worked on school runs.

Due to the severity of the complaint, it was decided that the matter should be taken in front of the General Licensing Committee. The report was heard on 5th December 2023 and Licensing Officers presented the report to the committee members. Members had the opportunity to ask questions of Officers and Hackney Carriage Driver – 001336.

Following Hackney Carriage Driver – 001336's account of the incident to the Committee, the Committee determined to lift the licence suspension and to accept Hackney Carriage Driver – 001336 renewal application, however, this was with a warning to Hackney Carriage Driver – 001336 that public safety was paramount and Hackney Carriage Driver – 001336 must not act in the way which he did during the reported incident again.

Any further complaints of a similar nature may call in to question Hackney Carriage Driver – 001336 fitness to hold a licence and result in Hackney Carriage Driver – 001336 appearing in front of the Licensing Committee again. The overriding consideration was the safety of the public.

RESOLVED that Hackney Carriage Driver – 001336's suspended hackney carriage vehicle licence be lifted, and a renewal application be processed for the reasons as detailed above.

GLC/31/23 Combined Hackney Carriage and Private Hire Driver Application – 156212

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence from an applicant who had previously had a driver licence revoked by another Local Authority.

Applicant – 156212 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 Applicant – 156212's application which contained a DVLA check code, showing no live DVLA endorsements.
- . A copy of a revocation letter to Applicant – 156212 from Redcar and Cleveland Borough Councils Licensing Team revoking his licence.
- . A summary transcript of an interview with Applicant – 156212 and Licensing Officers.

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

Members of the Council's General Licensing Committee considered all of the information before them, full details of which appeared before the Members in their agenda and background papers.

The Committee were advised by the Team Leader of Licensing that Applicant – 156212 had notified the Licensing team that he would not be present at the hearing as he was attending a wedding, and had subsequently asked to withdraw his application.

The Committee considered whether to allow Applicant – 156212 to withdraw his application, however the Committee felt that as their overriding consideration was the safety of the public, it was pertinent for them to determine Applicant – 156212's application. As Applicant – 156212 was not in attendance, despite being aware of the hearing, and had not requested a deferment, the Committee agreed to proceed in his absence.

The Committee understood that the matter before them was to determine an application for a combined hackney carriage and private hire vehicle licence as detailed in the Committee report.

The Committee heard that Applicant – 156212 was licensed by Redcar and Cleveland Council for thirteen years, which he declared within his application form. The Committee heard that when asked if he had had a licence refused, revoked, or suspended, Applicant – 156212 declared, "I had a taxi badge a few years ago which I handed back in".

The Committee were told that Redcar and Cleveland Council's Licensing Team had confirmed that in June 2021, they received an email from the press, which contained a link to social media showing Applicant – 156212 spitting in a 15-year-old girl's face. The Committee heard that Redcar and Cleveland Council subsequently took the decision to revoke Applicant – 156212's private hire drivers' licence. The Committee were advised that the video of the incident was no longer available.

The Committee understood that Applicant – 156212 was interviewed in relation to the matter on Thursday 21 September 2023. The Committee were told that when questioned about his previous licence revocation, Applicant – 156212 responded; 'I gave it up because it was hard to get it renewed and everything and I wanted a break from taxis, cause after COVID, customers, I didn't want to deal with them, 'cause they were just too much to deal with'.

The Committee heard that despite being challenged by officers during interview, Applicant – 156212 continued to deny any knowledge of that revocation, and maintained that he had chosen to hand his badge back to Redcar and Cleveland Council.

The Committee was told that in response to questions about the incident that led to his licence being revoked, Applicant – 156212 stated that a group of children were throwing stones at his car, one of which hit his daughter through an open window. The Committee heard that Applicant – 156212 admitted that he "lost it" after this, exited his vehicle and, in his own words, "told 'em get lost. They're throwing stones at cars and basically, she kept threatening my daughter, so I told...her to go away and basically, I didn't want to hit her or anything, but she kept coming towards me and cause I was that angry at the moment, I just spat on her."

The Committee also heard that in response to being asked if he was subject to any other complaints, Applicant – 156212 referred to an incident in March 2015 where he had hit a child whilst working as a licenced driver, however Redcar and Cleveland Council advised they did not have any record of this, nor any other complaints against Applicant – 156212.

Having carefully considered the written documentation before them and in reaching their decision, the Members had regard to the provisions of the Local Government (Miscellaneous Provisions) Act 1976. The Committee also had regard to the Council's Private Hire and Hackney Carriage Licensing Policy 2021 – 2026 ("the Policy").

The Committee noted that under section 51 Local Government (Miscellaneous Provisions) Act 1976, the Committee should 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 merits.

The Committee noted their disappointment that Applicant – 156212 had not appeared before them to express his views and answer their questions.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with Applicant – 156212 due to his admission that he spat at a child following an incident where stones were being thrown at his car. The Committee felt that this was compounded by Applicant – 156212 being disingenuous with regard to the reasons that he ceased working as a licenced driver with Redcar and Cleveland Council.

The Committee considered the Local Government Association Councillor Handbook: Taxi and PHV Licensing, which states:- "In the case of *McCool v Rushcliffe Borough Council* 1998, Lord Bingham said this:

"One must it seems to me approach this case bearing in mind the objectives of this licensing regime which is plainly intended among other things to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers."

Lord Bingham's view has since been confirmed in two further court cases; *Anwar v Cherwell District Council* and *Leeds Council* ." In the Committee's view, the circumstances that had led to this matter appearing before them today meant that they could not ensure as far as possible that Applicant – 156212 was a safe and suitable driver who would not abuse or assault passengers. The Committee noted that holding a licence is a privilege and not a right.

Ultimately, the Committee did not believe that Applicant – 156212 was a fit and proper person to hold a combined hackney carriage and private hire vehicle drivers' licence. The Committee were unanimously satisfied that Applicant – 156212's application should therefore be refused.

RESOLVED that Applicant – 156212's application for a combined hackney carriage and private hire vehicle drivers' licence be refused for the reasons as detailed above.

Members were asked to consider and determine a new application for a private hire driver licence for Applicant – 156401 who had a relevant conviction and currently did not meet Transport Policy.

Applicant - 156401 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 report detailed the following:

- . A copy of Applicant – 156401's application which contained a DVLA check code, showing an expired CU80 DVLA endorsement, with an offence date of 30th May 2020.
- . A copy of a summary transcript of an interview with Applicant – 156401 and Licensing Officers.

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

Members of the Council's General Licensing Committee considered all of the information before them, full details of which appeared before the Members in their agenda and background papers.

The Committee noted that following a DVLA check during the application process, Applicant – 156401 had an expired CU80 which was received 30th May 2020 and where the DVLA endorsement had expired 30th May 2023.

Applicant – 156401 explained to the Committee that he did not lift his phone up however he had touched it to stop it from moving around on the central console. Members of the Committee asked if Applicant – 156401 had a mobile phone mount in his vehicle to which Applicant – 156401 stated that there was not one situated in the vehicle at the time of the incident. Applicant – 156401 assured members a mobile phone mount would be installed in his licensed vehicle should his licence be granted.

Existing licence holders who committed criminal offences or received complaints about their behaviour which resulted in disciplinary action may expect the Council to consider revoking their licence or refusing their renewal application. These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence.

Any further convictions may call in to question Applicant – 156401's fitness to hold a licence. The overriding consideration was the safety of the public.

The Council had a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles were suitable persons to do so, that they were safe drivers with good driving records and adequate experience, sober, courteous, mentally, and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers.

Members took note of Applicant – 156401’s remorse and that Applicant – 156401 understood the dangers of driving while on a mobile phone. The Committee determined to place their trust in Applicant – 156401 and therefore agreed to grant him his licence.

RESOLVED that Applicant – 156401’s private hire drivers’ licence be granted for the reasons as detailed above.

GENERAL LICENSING COMMITTEE

A meeting of General Licensing Committee was held on Tuesday 30 January 2024.

Present: Cllr Eileen Johnson (Chair), Cllr Mick Moore (Vice-Chair), Cllr Marc Besford, Cllr Diane Clarke OBE, Cllr Robert Cook, Cllr John Coulson, Cllr Jason French, Cllr Clare Gamble, Cllr Mrs Ann McCoy, Cllr Susan Scott, Cllr Andrew Sherris and Cllr Marilyn Surtees.

Officers: Natalie Hodgson, Sarah Whaley (DoCS), Polly Edwards, Amy Stephenson and Kirsty Wannop (DoAH&W).

Also in attendance: Applicant 156614 and Driver 140045

Apologies: Cllr Elsi Hampton, Cllr Hugo Stratton and Cllr Hilary Vickers.

GLC/33/23 Evacuation Procedure

The Evacuation Procedure was noted.

GLC/34/23 Declarations of Interest

There were no declarations of interest.

GLC/35/23 Minutes

Consideration was given to the General Licensing Committee minutes from the meeting which was held on 14 November 2023.

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

GLC/36/23 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/37/23 PRIVATE HIRE DRIVER APPLICATION - 156614

Members were asked to consider a Private Hire Driver application form Applicant – 156614 who had relevant DVLA convictions and did not meet current Transport Policy.

Applicant – 156614 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 report detailed the following:

– A copy of Applicant – 156614’s application which also contained a DVLA check code, showing two live DVLA endorsements, IN10 – Driving a motor vehicle uninsured against third party risks and SP30 – Exceeding the statutory speed limit on public road.

– A copy of a summary transcript detailing an interview between Licensing Officers and Applicant – 156614, during which he admitted to driving without insurance and breaking the speed limit.

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

The Committee Members were presented with the report by the Licensing Officer and were given the opportunity to ask questions of both the Officer and Applicant – 156614.

Applicant – 156614 assured Members during the meeting, that both driving incidents were unintentional. Applicant – 156614 stated that there was no excuse for his actions that resulted in those convictions however he was apologetic and gave the Committee assurances that incidents such as these would not happen again in the future.

The Committee deliberated all the information before them and the comments Applicant – 156614 had made during the hearing. The Committee determined to depart from current policy and place their trust in Applicant – 156614 and grant him a licence to drive private hire vehicles, with this authority. However, this was issued with a severe warning as to Applicant – 156614’s future conduct. Members reminded Applicant – 156614 that public safety was paramount, and should he receive any further convictions, cautions, reprimands, warnings, or complaints he was likely to be brought back before the General Licensing Committee.

Applicant – 156614 was told that as he was now a licensed driver, he was expected to drive safely as he was carrying fare paying passengers which included those that may be vulnerable. Driving more than the statutory speed limit was against the law and these limits were designed to keep Taxi Drivers and other road users safe, improve road traffic safety and reduce casualties from traffic collisions. Travelling at excess speed would mean that Applicant – 156614 would have much less time to react to driving conditions. It also meant that if he had a collision, it would be more violent and more likely to result in serious or fatal injuries. Travelling more than the statutory speed limit would not be tolerated from any driver who was licensed with this authority and further formal action would be taken against those who did this.

The law concerning driving without insurance was clear, this meant the penalties could be severe. Police had the power to seize uninsured vehicles and remove them from the road. Offenders would also be liable for costs of accidents with an outcome of increased insurance premiums in the future, this was classed as a major traffic offence in the current transport policy and further offences would likely result in the revocation of Applicant – 156614’s driver licence.

The holding of a licence was a privilege, not a right, and conduct that may bring this Council into disrepute would likely see further formal action regarding Applicant – 156614’s licence which could include revocation.

RESOLVED that Applicant – 156614' application for a Private Hire Drivers Licence be granted, for the reasons as detailed above.

GLC/38/23 Combined Hackney Carriage and Private Hire Driver – 140045

Members were asked to consider and determine the continued fitness of a suspended Combined Hackney Carriage and Private Hire Driver– 140045 who was under investigation by Cleveland Police and had also failed to attend a driver improvement course, as requested by Licensing Officers.

Combined Hackney Carriage and Private Hire Driver – 140045 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 report detailed the following:

. A copy of the letter informing Combined Hackney Carriage and Private Hire Driver– 140045 which requested him to take a driver improvement course at his own expense due to the number of DVLA point he had accrued on his drivers licence.

. A copy of a police disclosure relating to Combined Hackney Carriage and Private Hire Driver– 140045.

. A copy of a letter suspending Combined Hackney Carriage and Private Hire Driver– 140045.

. A copy of a summary transcript between Licensing Officers and Combined Hackney Carriage and Private Hire Driver– 140045.

. Copies of two licence renewal forms one in 2022 and one in 2023 where Combined Hackney Carriage and Private Hire Driver– 140045 did not disclose he was under police investigation.

. A copy of Combined Hackney Carriage and Private Hire Driver– 140045's application from May 2015.

. A copy of a written warning from January 2017.

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

The Committee Members were presented with the report by the Licensing Officer and were given the opportunity to ask questions of both the Officer and Combined Hackney Carriage and Private Hire Driver– 140045.

The Committee understood that the matter before them was to determine the continued fitness of Combined Hackney Carriage and Private Hire Driver– 140045 as detailed in the Committee report and appendices.

The Committee heard that the driver had been licenced with the Authority since May 2015.

The Committee were informed that Cleveland Police had contacted the Licensing Service in February 2023, requesting further information in relation Combined Hackney Carriage and Private Hire Driver– 140045's driver history. The Committee noted that Police confirmed to licensing officers that Combined Hackney Carriage and Private Hire Driver– 140045 was under investigation with regard to his mobile telephone use, and licensing officers sought disclosure from Police for more information, which was subsequently received in July 2023.

The Committee were told that on 28th April 2023, Combined Hackney Carriage and Private Hire Driver– 140045 had submitted a combined licence renewal and declared that he had received DVLA points on 4th August 2022; MS90 'Failure To Give Information As To Identity Of Driver', resulting in Combined Hackney Carriage and Private Hire Driver– 140045 having nine live DVLA points on his driving licence.

The Committee noted that Combined Hackney Carriage and Private Hire Driver– 140045 did not declare the motoring offences from August 2022 within 48 hours, as required by his licence conditions. The Committee heard that Combined Hackney Carriage and Private Hire Driver– 140045 was requested to undertake a driver improvement course at his own expense due to having nine live points on his driving licence, which was not completed.

The Committee heard that the file received from Police revealed details of an investigation that took place from February until October 2022, into sexually malicious phone calls to a victim by a male speaking Urdu. The victim blocked calls from this number, but phone notifications showed more call attempts.

The Committee were informed that Police identified Combined Hackney Carriage and Private Hire Driver– 140045 as the suspect through digital forensic evidence, and Combined Hackney Carriage and Private Hire Driver– 140045 was interviewed by Police in relation to sexual harassment and malicious communications. The Committee heard that the disclosure stated, "Police are unable to prove/disprove whether the suspect was in possession of the mobile phone at the time of the calls due to the alibi that he has given. It is likely that family will support what he has said in interview and validate the alibi. This offence is unable to be proven beyond all reasonable doubt, therefore, there will be no further police action at this time".

The Committee heard that due to Combined Hackney Carriage and Private Hire Driver– 140045 being obstructive and uncooperative with licensing officers during their investigation; failing to attend pre-arranged interviews and having not completed the driver improvement course as per previous requests, Combined Hackney Carriage and Private Hire Driver– 140045's licence was suspended via a delegated decision process on 18th August 2023.

The Committee were told that Combined Hackney Carriage and Private Hire Driver– 140045 eventually attended an interview with licensing officers on 21st September 2023, during which Combined Hackney Carriage and Private Hire Driver– 140045 stated that he was not aware of the malicious communications and did not know that it had happened. The Committee noted that Combined Hackney Carriage and Private Hire Driver– 140045 had told licensing officers, "Obviously, somebody's... 'cause I have a lot of friends around my house sometimes, here and there. Obviously, somebody's probably used my phone. Like it's like somebody asking you to use their

phone and you know when you just give 'em it, and I don't know what's happened to be honest. It definitely wasn't me. I know that one hundred per cent."

The Committee were told that licensing officers questioned whether Combined Hackney Carriage and Private Hire Driver– 140045 had left his phone at home for people to use or allowed customers to use it. Combined Hackney Carriage and Private Hire Driver– 140045 clarified that "Even in the taxi, say somebody, if I am working and they really need to use my phone, I can like, you know, if they haven't got credit, they need to ring somebody in an emergency, or whatever, I do give 'em my phone. I don't think there's anything wrong with that, is there?"

The Committee noted that Combined Hackney Carriage and Private Hire Driver– 140045 was asked in interview how many mobile phones he had, and he confirmed only one, however over the course of the year, Combined Hackney Carriage and Private Hire Driver– 140045 had provided five different phone numbers for officers to contact him on. The Committee heard that this was questioned by officers during interview, to which Combined Hackney Carriage and Private Hire Driver– 140045 stated they were either his or his wife's number and they changed quite a lot due to phones getting lost.

The Committee heard that when asked by licensing officers why Combined Hackney Carriage and Private Hire Driver– 140045 had not attended the driver improvement course by the specified timescale, he advised that he was going through hardship in terms of money adding he had "a lot of things going on in the household. I've had a few people pass away and it's been on my mind too much, so obviously it's just slipped out of my head, to be honest."

The Committee noted Combined Hackney Carriage and Private Hire Driver– 140045's response when asked in interview if he considered himself a fit and proper person; 'I've never had any complaints from customers. They've always said nice things about me, customers. I've always helped them out. Even elderly people, young people, I've always got out when they've got shopping. I've always helped them to the door and everything and they've said to me, this is their own wordings as well, customers' wordings, like you're a very helpful person, we've never had a driver like you before.'

The Committee also heard that Combined Hackney Carriage and Private Hire Driver– 140045 was under police investigation in 2017 in relation to his grooming of a young person who he was transporting under a school contract, including his contact with the child via social media and giving them free lifts. The Committee heard that Police took no further action in relation to this investigation.

Combined Hackney Carriage and Private Hire Driver– 140045 explained to the Committee that he did not know who had made the complaint to police about the malicious communications.

Combined Hackney Carriage and Private Hire Driver– 140045 explained to the Committee that in relation to the child that he was transporting in 2017 when investigated by police for grooming, he did not groom her in that way and stated that the child was just a friend, nothing more than that, and that his wife was aware of this matter.

With regard to the number of mobile telephone numbers that Combined Hackney Carriage and Private Hire Driver– 140045 had, he explained to the Committee that he

had been subjected to a lot of scams, but confirmed that he had not made the licensing service aware of that.

In relation to the malicious communications, Combined Hackney Carriage and Private Hire Driver– 140045 told the Committee that he did not know which of his friends had made these calls, as he had so many friends he had no idea who this could have been.

The Committee was given an opportunity to ask questions of Combined Hackney Carriage and Private Hire Driver– 140045, with Combined Hackney Carriage and Private Hire Driver– 140045 speaking last.

In summing up, Combined Hackney Carriage and Private Hire Driver– 140045 told the Committee that he had four children to support and that he was going through hardship. Combined Hackney Carriage and Private Hire Driver– 140045 advised the Committee that he was fit and well to do the job, and that his customers all say nice things about him.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the oral submissions made by Combined Hackney Carriage and Private Hire Driver– 140045 in response to the Committee's questions.

Having carefully considered the written documentation before them and in reaching their decision, the Members had regard to the provisions of the Local Government (Miscellaneous Provisions) Act 1976. The Committee also had regard to the Council's Private Hire and Hackney Carriage Licensing Policy 2021 – 2026 ("the Policy").

The Committee noted that the relevant legislative provision in this case was under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976. This allowed the Committee to suspend or revoke licences for "any other reasonable cause". When determining this matter, the Committee considered this matter on its merits.

The Committee appreciated that the police took no further action against Combined Hackney Carriage and Private Hire Driver– 140045 in relation to sexual harassment and malicious communications offences, however, that they must consider this matter on a lower standard of proof, on 'the balance of probabilities', rather than the criminal standard which is 'beyond reasonable doubt'.

The Committee members took into consideration that Combined Hackney Carriage and Private Hire Driver– 140045 appeared disingenuous, both in response to the police, licensing officers' and the Committee's questioning about the allegations.

The Committee found it hard to accept that Combined Hackney Carriage and Private Hire Driver– 140045, who admitted owning the telephone that the calls were made from and that being his telephone number, had no idea who had made such calls, on a number of occasions, including through the night. The Committee's doubts in relation to these matters were compounded by Combined Hackney Carriage and Private Hire Driver– 140045's dubious explanation that he had so many friends who attended his house during the night that he had no idea who could have been responsible for such communications.

Framed by the more recent sexual harassment and malicious communications allegations, the Committee were concerned about Combined Hackney Carriage and Private Hire Driver– 140045 being investigated by the police in 2017 for grooming, particularly as this involved a child passenger that Combined Hackney Carriage and Private Hire Driver– 140045 was paid to transport to and from school. The Committee found Combined Hackney Carriage and Private Hire Driver– 140045's lack of insight into his inappropriate behaviour and friendship with this child very concerning. The Committee did not feel that Combined Hackney Carriage and Private Hire Driver– 140045 was credible in response to their questioning.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with Combined Hackney Carriage and Private Hire Driver– 140045 due to their doubts surrounding his explanation of the circumstances that led to him being investigated by the police in 2023, and in 2017. The Committee felt that this was compounded by Combined Hackney Carriage and Private Hire Driver– 140045's concerning history as a licenced driver; his licence being suspended in 2008 and revoked in 2011.

The Committee noted that when Combined Hackney Carriage and Private Hire Driver– 140045's current licence was granted in May 2015, it included a written warning regarding his future conduct due to relevant convictions at that time. The Committee further noted that Combined Hackney Carriage and Private Hire Driver– 140045 was issued with a written warning again in 2017 due to his inappropriate relationship with a child passenger.

The Committee considered the Local Government Association Councillor Handbook: Taxi and PHV Licensing, which stated:- "In the case of *McCool v Rushcliffe Borough Council* 1998, Lord Bingham said this:

"One must it seems to me approach this case bearing in mind the objectives of this licensing regime which is plainly intended among other things to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers."

Lord Bingham's view has since been confirmed in two further court cases; *Anwar v Cherwell District Council* and *Leeds Council v Hussain*." In the Committee's view, the circumstances that had led to revocation being proposed meant that they could not ensure as far as possible that Combined Hackney Carriage and Private Hire Driver– 140045 was a safe and honest driver. The Committee noted that holding a licence was a privilege and not a right.

Ultimately, the Committee did not believe that Combined Hackney Carriage and Private Hire Driver– 140045 was a fit and proper person to hold a combined hackney carriage and private hire vehicle drivers licence. The Committee were unanimously satisfied that Combined Hackney Carriage and Private Hire Driver– 140045's licence should therefore be revoked.

RESOLVED that Combined Hackney Carriage and Private Hire Driver– 140045 have his suspension lifted and his Combined Hackney Carriage and Private Hire Driver's licence revoked for the reasons as stated above.

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Agenda Item 6

By virtue of paragraph(s) 1,2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 7

By virtue of paragraph(s) 1,2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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