

GENERAL LICENSING COMMITTEE

A meeting of General Licensing Committee was held on Tuesday 24 September 2024.

Present: Cllr Eileen Johnson (Chair), Cllr Mick Moore (Vice-Chair), Cllr Jim Beall, Cllr Carol Clark, Cllr Diane Clarke OBE, Cllr Robert Cook, Cllr Jason French, Cllr Elsi Hampton, Cllr Andrew Sherris, Cllr Hugo Stratton and Cllr Mick Stoker.

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

Also in attendance: Private Hire Driver – 144459 and Witness

Apologies: Cllr Clare Besford, Cllr Marc Besford, Cllr Mrs Ann McCoy, Cllr Marilyn Surtees and Cllr Hilary Vickers.

GLC/18/24 Evacuation Procedure

The evacuation procedure was noted.

GLC/19/24 Declarations of Interest

There were no declarations of interest.

GLC/20/24 Minutes

Consideration was given to the draft minutes from the meetings which were held on 28 May and 20 June 2024 for approval and signature.

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

GLC/21/24 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/22/24 Private Hire Driver – 144459

Members were asked to consider the continued fitness of licensed private hire driver - 144459, who had received relevant complaints from members of the public.

Private Hire Driver - 144459 attended the meeting and was given the opportunity to make representation.

A witness who had made a complaint relating to private hire driver - 144459 was also in attendance and 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 complaint form.
- A copy of a statement from private hire driver - 144459's passenger.
- A copy of statements of complaint from three staff members at Sainsbury's, Maske Parade, Bishopsgarth, Stockton.
- A copy of a summary transcript of an interview with private hire driver - 144459 and Licensing Officers.

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

The Committee understood that the matter before them was to determine the continued fitness of private hire driver – 144459 as detailed in the Committee report and appendices.

The Committee heard that private hire driver - 144459 had been licenced with the Authority since September 2017, and his current licence expired on 31st August 2026.

The Committee heard that on Monday 22nd July 2024, a complaint form was submitted to the licensing department, regarding the driver of private hire vehicle who was identified as private hire driver – 144459. The complainant was a member of staff at Sainsburys, Maske Parade, Bishopsgarth, Stockton-on-Tees, who had refused to serve a female customer alcohol on 18th July 2024, as she believed the customer to be drunk. The Committee were told that the customer returned to a taxi after leaving the store. The driver of the vehicle then entered the store and there was a verbal altercation with the staff member and private hire driver – 144459.

CCTV footage of the incident on 18th July 2024, was presented to the Committee. The Committee noted that footage showed private hire driver - 144459 entering the store and speak with a member of staff. As the footage progressed, the Committee saw private hire driver - 144459 becoming increasingly angry, gesturing and pointing at the staff member. The CCTV recording within the store did not capture sound.

The Sainsbury's staff member attended the Committee hearing as a witness. The Committee heard from the witness that the customer, who was a passenger in private hire driver - 144459 vehicle , was well known to staff at the store, and, who usually attempted to purchase two bottles of wine and who was believed to be regularly intoxicated. The witness told the Committee in evidence that she witnessed private hire driver – 144459's passenger clinging on to the shelves in the store, and in her opinion, was drunk, and became aggressive when the staff member/ witness refused to allow her to purchase alcohol. The witness told the Committee that when private hire driver - 144459 entered the store, he was shouting and pointing his finger at her, and called her "disgusting". The witness described to the Committee that private hire

driver - 144459 was “nasty” towards her and told her that she was going to lose her job.

In response to the Committee’s questioning, the witness explained that it was company policy to refuse to serve anyone that appeared to be intoxicated, and that they could be prosecuted if alcohol was sold to people who were drunk. The witness told the Committee that staff at the store had refused to sell private hire driver – 144459’s passenger alcohol in the past when they believed her to be drunk, and that she would usually leave without issue when this occurred.

The Committee heard private hire driver - 144459 apologise to the witness; he said that he got upset seeing his passenger in distress. Private hire driver - 144459 told the Committee that his passenger was a friend and had just come out of hospital and was not, in his opinion, drunk. The witness left the hearing after giving evidence and responding to the Committee’s questions.

The Committee were told that upon private hire driver – 144459’s licence being granted in 2017, he was issued with a written warning as to his future conduct. The letter dated 1st August 2017, before the Committee contained within the committee papers, referred to two historic previous convictions for being drunk and disorderly, and an incident where private hire driver - 144459 had lost his temper with a Council admin officer and used inappropriate language towards them, as he was unable to undertake a knowledge test due to not having a confirmed appointment.

The Committee were also informed of an incident during May 2024, involving private hire driver - 144459, which had been recorded by a member of the public and circulated on social media. The Committee viewed three recordings of the incident, which showed private hire driver – 144459’s verbal altercation with another road user during a school run, where private hire driver - 144459 was heard shouting and swearing aggressively and threatening to cause damage to the other driver’s car. The Committee heard that at the time of the incident, private hire driver - 144459 was transporting a vulnerable child who was accompanied by a passenger assistant, who witnessed private hire driver – 144459’s behaviour.

The Committee heard that private hire driver - 144459 had been informed in writing of the Council’s intention to revoke his licence due to his behaviour during the May incident. However, private hire driver - 144459 had provided written comments as to why his licence should not be revoked, and it was determined he would attend an Anger Management Course, at his own expense, to address his behaviour.

The Committee also noted the contents of a warning letter sent to private hire driver - 144459 on 7th June 2024, which stated, “If any complaints of a similar nature are received by this office in the future, you may risk having your licence suspended pending a committee hearing to determine your fitness to hold a Private Hire drivers’ licence or having your licence revoked”.

In relation to the incident in Sainsburys during July 2024, private hire driver - 144459 admitted to the Committee that he “saw a bit of red” due to seeing his friend, private hire driver – 144459’ passenger, so upset, and apologised for this. Private hire driver - 144459 told the Committee that he was just trying to look after his passenger. Private hire driver - 144459 expressed that, in his view, because he was not working as a taxi driver when this incident took place, just giving a friend a lift for their shopping, he did not understand why the Council were considering this.

Regarding the school-run incident in May 2024, private hire driver - 144459 expressed his regret for what he termed, “a bad day at the office” and said that he was ashamed and horrified of his behaviour. Private hire driver - 144459 told the Committee that the woman provoked him and intentionally drove her vehicle in front of him and then refused to move, and that she made it worse by blocking his path. Private hire driver - 144459 apologised to the Committee for his behaviour during this incident.

In response to questions from the Committee about attending anger management sessions, private hire driver - 144459 confirmed that he had only attended two appointments as he could not afford these. The Committee heard from private hire driver - 144459 that he had not worked since the road rage incident in May 2024, until recently when he had begun school run work again. Private hire driver - 144459 expressed that in his view, the sessions were not an anger management course, but they had helped him by talking about family bereavements and not bottling up his feelings.

In response to questioning from the Committee regarding the incident in 2017, where private hire driver - 144459 had lost his temper with a Council admin officer when he was unable to undertake a knowledge test, private hire driver - 144459 denied any recollection of this matter. Private hire driver - 144459 told the Committee that he did not know why he would have become angry at that time.

A letter was read out to the Committee from a private hire operator, who had provided a positive character reference dated 23rd September 2024, expressing his view that private hire driver - 144459 was a pleasant and good driver, who interacted well with customers.

The Committee was given an opportunity to ask questions of private hire driver - 144459, with private hire driver - 144459 speaking last.

In summing up, private hire driver - 144459 told the Committee that he was really sorry for all of this; he had one bad day in his career. Mr Ray expressed how deeply ashamed he is of the incident in May 2024. Private hire driver - 144459 ended his submission by assuring the Committee that if they allowed him to keep his licence he would behave and be a better person.

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 private hire driver - 144459 in response to the Committee’s questions, and evidence provided by the witness.

Having carefully considered all of the information 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 were very concerned at the apparent pattern of aggressive behaviour demonstrated by private hire driver - 144459; the aggression and inappropriate language used towards a member of Council staff in 2017, the road rage incident in

May 2024, and the incident in Sainsburys in July 2024. The Committee noted that private hire driver - 144459 could not recall the incident in 2017.

The Committee were concerned at private hire driver – 144459’s lack of insight into the relevance of the incident in Sainsburys in July 2024. The Committee felt that private hire driver – 144459’s assertion that he was transporting a friend rather than working as a taxi driver at the time was irrelevant.

The Committee members took into consideration that private hire driver - 144459 appeared aggressive at times in response to the Committee’s questioning about the incidents.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with private hire driver - 144459, due to their concerns over his aggressive behaviour demonstrated in May and July 2024. The Committee felt that this was compounded by private hire driver – 144459’s history; being aggressive towards Council staff in 2017, and his non-compliance with written warnings in 2017 and more recently in 2024.

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 private hire driver - 144459 was a safe and suitable driver.

The Committee noted that holding a licence was a privilege and not a right.

Ultimately, the Committee did not believe that private hire driver - 144459 was a fit and proper person to hold a private hire vehicle drivers’ licence. The Committee were unanimously satisfied that private hire driver – 144459’s licence should therefore be revoked with immediate effect.

RESOLVED that private hire driver – 144459 have his private hire drivers licence revoked for the reasons as detailed above.