

General Licensing Committee

A meeting of General Licensing Committee was held on Tuesday 27th May 2025.

Present: Cllr Eileen Johnson (Chair), Cllr Mick Moore (Vice-Chair), Cllr Clare Besford (Sub for Cllr Jim Beall), Cllr Marc Besford, Cllr Robert Cook, Cllr John Coulson, Cllr Jason French, Cllr Elsi Hampton, Cllr Mrs Ann McCoy, Cllr Hugo Stratton, Cllr Marilyn Surtees and Cllr Hilary Vickers

Officers: Natalie Hodgson, Sarah Whaley, Elliott Beevers and Polly Edwards

Also in attendance: Applicant – 159077 and Driver – 140921

Apologies: Cllr Jim Beall, Cllr Diane Clarke OBE and Cllr Andrew Sherris

GLC/6/25 Evacuation Procedure

The evacuation procedure was noted.

GLC/7/25 Declarations of Interest

There were no declarations of interest.

GLC/8/25 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/9/25 Private Hire Driver – 140921

Members were asked to consider and determine the continued fitness of private hire driver - 140921 due to concerns raised over his alcohol consumption

Private Hire Driver – 140921 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 statement provided by a member of the Licensing Team who received a call from private hire driver – 140921 where he sounded intoxicated.
- A copy of a statement provided by a Licensing Officer after the continuing the above-mentioned phone call with private hire driver – 140921.

- A copy of summary transcripts following an interview with a Licensing Officer and private hire driver – 140921.
- A copy of a screenshot of part of a medical assessment which showed how many units of alcohol private hire driver – 140921 had declared to his GP that he drank on a weekly basis.
- A copy of a suspension letter to private hire driver – 140921 from the Licensing Service.
- A copy of a Licensing Officer's statement following a further telephone conversation with private hire driver – 140921.

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

The Committee Members were presented with the officers' report and had the opportunity to ask questions of both the officers and private hire driver – 140921.

The Committee reviewed all the information provided and considered the submissions made by both private hire driver – 140921 and the officer.

The Committee heard that private hire driver – 140921 has been a licensed by the authority to drive private hire vehicles since November 2015.

The Committee were told that at approximately 9:30am on Wednesday 19th February 2025, the licensing administration team received a telephone call from private hire driver – 140921, who sounded intoxicated; he was not making sense and was slurring his words. The Committee heard that due to these concerns, the call taker transferred private hire driver – 140921's call through to a licensing officer. The Committee were told that private hire driver – 140921 sounded very intoxicated and was changing topics frequently.

The Committee were informed that enquires were subsequently made with Royal Cars, who confirmed that private hire driver – 140921 had not logged on to their system to accept bookings and had not worked for them that day.

The Committee heard that private hire driver – 140921 was interviewed in relation to those concerns on 11 March 2025 and was asked about the telephone call. The Committee heard from the Licensing Officer that private hire driver – 140921 had stated that he had attended a party the night before, describing it as an 'all night job'. The Committee were told that private hire driver – 140921 had confirmed that he did not get home until around 8:30am that morning and may have therefore been 'a bit squiffy from the night before' during the telephone call.

The Committee were told that the recording of the telephone call was played to private hire driver – 140921 during the interview, and private hire driver – 140921 agreed that this was concerning, admitting that he was embarrassed, and that this was a one-off. The Committee heard that private hire driver – 140921 was reminded during the interview that he had received written warnings in November 2016 and September 2024, after sounding intoxicated during telephone calls to the licensing authority. The Committee heard that private hire driver – 140921 promised that he would not do this again.

The Committee heard that when private hire driver – 140921 was asked about his drinking habits, he said that he had ‘a few cans’ of lager on an evening at home, and that he usually consumed two packs of ten cans per week. The Committee were told that private hire driver – 140921 completed an alcohol harm quiz with officers, which returned results of ‘increasing risk’.

The Licensing Officer told the Committee that when asked if he had ever sought or received help in relation to alcohol consumption, private hire driver – 140921 confirmed that he had not, stating that he had never felt that he had not been able to stop drinking alcohol once he had started, and that drinking alcohol had never prevented him from undertaking anything expected of him.

The Committee heard that private hire driver – 140921 stated that he would never drink alcohol and then drive, nor would he drive the day after a heavy session drinking alcohol. When private hire driver – 140921’s history of alcohol and drug use was put to him in interview, the Committee heard that private hire driver – 140921 confirmed to officers his conviction for obstructing powers of search for drugs was a long time ago, when he was aged 21. The Committee heard that private hire driver – 140921 admitted that he had smoked a joint in the past but denied taking drugs now. The Committee heard that private hire driver – 140921 undertook a drugs test following interview which returned a negative result.

The Committee were told that when private hire driver – 140921 was asked if he believed that he was a fit and proper person, he stated that he had been driving private hire vehicles for a long time and was good at it, he was a good man and he was polite.

The Committee heard that on 4th April 2025, private hire driver – 140921 provided the licensing team with a completed group 2 medical assessment form; officers noted that private hire driver – 140921 had declared to the GP that he consumed 14 units of alcohol each week. The Committee were told that 14 units of alcohol was equivalent to approximately 8 pints of Carling lager per week, however, there were 36 units of alcohol in 20 cans of Carling lager (the amount that private hire driver – 140921 stated during interview that he consumed per week).

The Licensing Officer told the Committee that due to these concerns, enquiries were made with private hire driver – 140921’s GP. The Committee heard that private hire driver – 140921’s GP had confirmed that during the medical examination, private hire driver – 140921’s blood pressure was slightly raised, as a result of which private hire driver – 140921 was asked to attend another appointment to have this checked again. The Committee were told that private hire driver – 140921 failed to attend the appointment to have his blood pressure checked. The Committee were told private hire driver – 140921’s GP had confirmed that private hire driver – 140921 stated during the examination that he consumed 14 units of alcohol during a typical week.

The Licensing Officer told the Committee that on 16th April 2025, at approximately 1:00pm, private hire driver – 140921 was contacted via telephone to arrange a second interview with him to discuss concerns in relation to his alcohol consumption. The Committee heard that when private hire driver – 140921 answered the telephone, he sounded heavily intoxicated, and admitted that he had drunk alcohol, and stated that he can drink alcohol whenever he wants as he is ‘a fully grown man’. The Committee were told that following the call, it was agreed that private hire driver – 140921’s

licence to drive private hire vehicles should be suspended due to the risk to the public should private hire driver – 140921 drive a licenced vehicle whilst intoxicated.

The Committee and private hire driver – 140921 were given an opportunity to ask questions of the Licensing Officer.

Private hire driver – 140921 referred to paragraph 31 of the Committee report, which stated, “When officers delivered this letter further concerns were raised due to there being two open 10 packs of lager in private hire driver – 140921’s kitchen and he answered the door in his underpants/shorts with one sock on”. Private hire driver – 140921 told the Committee that when the Licensing Officer came to deliver the suspension letter, he had woken private hire driver – 140921, and that he had pulled on a pair of shorts to answer the door. With reference to the cans of lager, private hire driver – 140921 told the Committee that they were empty and were stored in the kitchen as his bin was stored outside his home.

Private hire driver – 140921 told the Committee that he simply had a few drinks on his day off, and that he was never rude or insulting to officers. The Committee heard from private hire driver – 140921 that he believed that he told his GP that he consumed 14 pints per week, rather than 14 units, but that it was not an exact science and it depend who came to visit him. Private hire driver – 140921 assured the Committee that he would not take any risks and would never drive after consuming alcohol.

In response to questions from the Committee in relation to previous warnings for being intoxicated, private hire driver – 140921 confirmed that he was regretful but reiterated that he was not nasty and never drank alcohol and drove. Private hire driver – 140921 told the Committee that he did not get into his vehicle if he smelt of alcohol. Private hire driver – 140921 assured the Committee that he did not work the day after he had consumed alcohol.

In response to questioning in relation to his alcohol consumption and routines, private hire driver – 140921 confirmed that on a typical day he arrived home at around 5:00pm, had a ‘couple of cans to chill out’, had something to eat and went to bed early. Private hire driver – 140921 confirmed to the Committee that he did not drink cider or spirits. Private hire driver – 140921 assured the Committee that he did not intend to make any more telephone calls to the licensing authority.

The Committee and officers were given an opportunity to ask questions of private hire driver – 140921, with private hire driver – 140921 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 the Licensing Officer and private hire driver – 140921.

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 noted that private hire driver – 140921 had been licenced to drive private hire vehicles since November 2015, and that his licence was granted with a written warning due to a historical conviction for driving a motor vehicle with excess alcohol. The Committee understood that that a further written warning was issued in November 2016 due to private hire driver – 140921 making telephone calls to officers whilst intoxicated, and then the same concerns were raised again in September 2024, and 19th February and 26th April 2025. Whilst the Committee understood that almost eight years had passed between the concerns in 2016 and those in 2024, the Committee still deemed there to be a pattern of private hire driver – 140921 being intoxicated, which concerned them, particularly due to the concerns being on three separate occasions between September 2024 and April 2025.

The Committee were concerned at private hire driver – 140921's apparent lack of insight into his alcohol consumption and what appeared to the Committee, on balance, to have been an attempt by private hire driver – 140921 to misinform his GP about the amount of alcohol that he regularly consumed. The Committee were also concerned that private hire driver – 140921 did not appear to be taking his health seriously, as he had not returned for the appointment to have his blood pressure monitored and had declined the healthy heart check appointment.

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 had 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 the matter being brought before them meant that they could not ensure as far as possible that private hire driver – 140921 was a safe and sober driver. The Committee noted that holding a licence is a privilege and not a right, and the Committee's paramount concern is the safety of the public.

The Committee noted that private hire driver – 140921 did not appear to acknowledge any issue with the amount of alcohol that he consumed, despite admitting to drinking alcohol regularly. The Committee did not feel that private hire driver – 140921's attitude towards alcohol consumption was compatible with being a responsible licenced driver.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with private hire driver – 140921, due to their concerns in relation to private hire driver – 140921's alcohol consumption, and the nonchalant way he presented himself before them at the hearing. Private hire driver – 140921 appeared to suggest that not making telephone calls to the licensing authority in the future would resolve the concerns, rather than him addressing the amount of alcohol that he regularly consumed.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with private hire driver – 140921. Ultimately, the Committee did not believe that private hire driver – 140921 was a fit and proper person to hold a private hire driver licence. The Committee were therefore satisfied that the current suspension should be lifted, and that private hire driver – 140921's licence should be revoked with immediate effect.

RESOLVED that private hire driver – 140921's current suspension be lifted and that private hire driver – 14092's licence be revoked with immediate effect.

GLC/10/25 Private Hire Driver Application – 159077

Members were asked to consider and determine an application for a private hire driver licence from Applicant- 159077 who had provided a DVLA check code with his application showing 8 live DVLA points.

Applicant - 159077 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 – 159077's application including the DVLA check codes TS10 and CD10.
- A copy of a summary transcript of an interview with Licensing Officers and Applicant – 159077.
- A copy of a letter from Middlesbrough Council to Applicant – 159077 renewing his licence.

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

The Committee Members were presented with the officers' report and had the opportunity to ask questions of both the officers and Applicant - 159077.

The Committee reviewed all the information provided and considered the submissions made by both Applicant – 159077 and the officer.

The Committee considered Applicant – 159077's explanation of the road traffic incident on 6th June 2024, that led to his conviction on 10th October 2024. Applicant – 159077 explained that he made a split-second decision where his options were to perform an emergency stop and significantly injure the passengers on the bus that you were driving, or to quickly change lanes and go through a red-light signal to avoid injuring a cyclist who had crossed the road without looking. Applicant – 159077 confirmed to the Committee that he had driven for over 30 years without any other accidents, which included driving busses in London for 10 years.

The Committee determined that Applicant – 159077's application should be granted, as they found his explanation to be plausible. Applicant – 159077 was required to complete the relevant assessments prior to his licence being issued.

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 people who would take advantage of their employment to abuse or assault passengers.

Applicant – 159077 was advised that he must always drive in a courteous and professional manner. Licence holders should endeavour to promote the image of the hackney carriage and private hire trade by:

- a) complying with this Code of Conduct.
- b) complying with all the conditions of their licence and the Council's Hackney Carriage and Private Hire Licensing Policy;
- c) always behaving in a professional manner.

Applicant – 159077 was informed that his licence was granted with a warning that should he commit any further motoring offences, receive any convictions, complaints or concerns, he would likely to be referred to appear in front of the Licensing Committee again for determination of his continued fitness to hold a licence, which could result in the revocation of his licence.

RESOLVED that Applicant – 159077's private hire drivers licence be granted for the reasons as stated above.

Chair: