

Date:

Tuesday 29 July 2025 at 10.00 am

Venue:

Council Chamber, Dunedin House, Columbia Drive, Thornaby, TS17 6BJ

Cllr Eileen Johnson (Chair)

Cllr Mick Moore (Vice-Chair)

Cllr Jim Beall, Cllr Marc Besford, Cllr Diane Clarke OBE, Cllr Robert Cook, Cllr John Coulson, Cllr Jason French, Cllr Elsi Hampton, Cllr Mrs Ann McCoy, Cllr Andrew Sherris, Cllr Hugo Stratton, Cllr Marilyn Surtees and Cllr Hilary Vickers

Agenda

1. **Evacuation Procedure** (Pages 7 - 10)
2. **Apologies for Absence**
3. **Declarations of Interest**
4. **Minutes** (Pages 11 - 40)

To approve the minutes of the meetings held on the 28 January, 20 February and 25 March 2025.
5. **Exclusion of the Public**
6. **Private Hire Driver Application – 073050** (Pages 41 - 138)
7. **Private Hire Driver Application – 159343** (Pages 139 - 182)
8. **Private Hire Driver Application – 158785** (Pages 183 - 214)

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: Democratic Services Officer 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 Registrable 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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Council Chamber, Dunedin House Evacuation Procedure & Housekeeping

Entry

Entry to the Council Chamber is via the Council Chamber entrance indicated on the map below.



In the event of an emergency alarm activation, everyone should immediately start to leave their workspace by the nearest available signed Exit route.

The emergency exits are located via the doors on either side of the raised seating area at the front of the Council Chamber.

Fires, explosions, and bomb threats are among the occurrences that may require the emergency evacuation of Dunedin House. Continuous sounding and flashing of the Fire Alarm is the signal to evacuate the building or upon instruction from a Fire Warden or a Manager.

The Emergency Evacuation Assembly Point is in the overflow car park located across the road from Dunedin House.

The allocated assembly point for the Council Chamber is: D2

Map of the Emergency Evacuation Assembly Point - the overflow car park:



All occupants must respond to the alarm signal by immediately initiating the evacuation procedure.

When the Alarm sounds:

1. **stop all activities immediately.** Even if you believe it is a false alarm or practice drill, you MUST follow procedures to evacuate the building fully.
2. **follow directional EXIT signs** to evacuate via the nearest safe exit in a calm and orderly manner.
 - do not stop to collect your belongings
 - close all doors as you leave
3. **steer clear of hazards.** If evacuation becomes difficult via a chosen route because of smoke, flames or a blockage, re-enter the Chamber (if safe to do so). Continue the evacuation via the nearest safe exit route.
4. **proceed to the Evacuation Assembly Point.** Move away from the building. Once you have exited the building, proceed to the main Evacuation Assembly Point immediately - located in the **East Overflow Car Park**.
 - do not assemble directly outside the building or on any main roadway, to ensure access for Emergency Services.

5. await further instructions.

- **do not re-enter the building under any circumstances without an “all clear”** which should only be given by the Incident Control Officer/Chief Fire Warden, Fire Warden or Manager.
- do not leave the area without permission.
- ensure all colleagues and visitors are accounted for. Notify a Fire Warden or Manager immediately if you have any concerns

Toilets

Toilets are located immediately outside the Council Chamber, accessed via the door at the back of the Chamber.

Water Cooler

A water cooler is available at the rear of the Council Chamber.

Microphones

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

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General Licensing Committee

A meeting of General Licensing Committee was held on Tuesday 28th January 2025.

Present: Cllr Eileen Johnson (Chair), Cllr Mick Moore (Vice-Chair), Cllr Jim Beall (Sub for Cllr Robert Cook), Cllr Clare Besford, Cllr Marc Besford, Cllr Diane Clarke OBE, Cllr John Coulson, Cllr Jason French, Cllr Mrs Ann McCoy, Cllr Andrew Sherris, Cllr Marilyn Surtees and Cllr Hilary Vickers

Officers: Natalie Hodgson, Sarah Whaley, Adam Harston, Leanne Maloney-Kelly and Kirsty Wannop

Also in attendance: Applicant - 158581, Applicant - 157278 and Applicant -157996

Apologies: Cllr Robert Cook, Cllr Elsi Hampton and Cllr Hugo Stratton

GLC/36/24 Minutes from the General Licensing Committee meetings held on 24 September and 23 October 2024

Consideration was given to the General Licensing Committee meeting minutes which were held on the 24 September and 23 October 2024 for approval and signature.

RESOLVED that the minutes be approved and signed by the Chair.

GLC/37/24 Evacuation Procedure

The evacuation procedure was noted.

GLC/38/24 Declarations of Interest

There were no declarations of interest.

GLC/39/24 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/40/24 Private Hire Driver – 139471

Members were asked to consider and determine the continued fitness of Private Hire Driver – 139471 who had provided a routine DVLA Group 2 medical examination report with his licence renewal, of which the contents had raised some concerns.

The Licensing Team Leader informed the Committee that although Private Hire Driver – 139471 had been invited to attend the meeting, he had informed Licensing officers that due to additional evidence which had come forward since the officers' report, Private Hire Driver – 139471 did not wish to attend the meeting.

A brief discussion was had, followed by a vote to defer by Members.

RESOLVED that item GLC/40/24, Private Hire Driver -139471 be deferred as detailed above.

GLC/41/24 Private Hire Driver Application - 158581

Members were asked to consider and determine an application for a private hire driver licence from Applicant – 158581 who had relevant DVLA convictions and therefore did not meet current Transport Policy.

Applicant – 158581 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 – 158581's application containing a DVLA check code, showing no live DVLA endorsements.
- A copy of a summary interview transcript with Applicant – 158581 and Licensing Officers.

Members understood that the matter before them was to determine an application for a private hire driver licence, from an applicant who had been convicted of causing death by dangerous driving, as detailed in the Committee report and appendices.

The Committee heard that an application for a private hire driver licence had been received from Applicant – 158581, and that an enhanced Disclosure & Barring Service (DBS) certificate was received showing a conviction for causing death by dangerous driving on 8th September 2013. The Committee were told that Applicant – 158581 was convicted of this offence in February 2015, and sentenced in April 2015; receiving a sentence of four years imprisonment, being disqualified from driving until he passed an extended test and ordered to pay a victim surcharge of £120.

The Committee heard that when Applicant – 158581 was interviewed by licensing officers about his conviction, he explained that on the evening of 8th September 2013 he was driving from Whitby with his wife, and had a head on collision with another vehicle, and that the driver of the other vehicle had lost his life.

The Committee were informed that Applicant – 158581 had explained to officers that he was hospitalised for around three weeks following the collision, and then spent approximately two years in rehabilitation, learning to walk again following his injuries. The Committee heard that Applicant – 158581 said that he was not informed of the other driver's death until two or three weeks after the collision, and that this still had an impact upon him.

The Committee were given Applicant – 158581's explanation of the circumstances of the collision; he was travelling at around 70 miles per hour and the other driver was travelling at 72 miles per hour, which Applicant – 158581 said was taken from the police report. The Committee heard that Applicant – 158581 claimed that he drifted into the opposite carriageway, and that Applicant – 158581 now accepted that the

collision was his fault. The Committee were told that Applicant – 158581 said that he pleaded not guilty to the charge of causing death by dangerous driving, however he was found guilty by a jury following a trial.

The Committee heard that Applicant – 158581 advised officers that he undertook an extended driving test and theory assessment in April 2019, and that his DVLA licence has been valid since 18th April 2019.

The Committee heard that the licensing team's investigation found a press article online dated 20th February 2015, in which it indicated that a witness had claimed that Applicant – 158581 was tailgating a VW Polo before trying to overtake it, as he collided with the oncoming vehicle.

The Committee and Applicant – 158581 were given an opportunity to ask questions of the officer.

Applicant – 158581 told the Committee that he had held his driving licence since 2006, and except this one collision in 2013, he had not had any accidents, received any penalty points or had any dealings with the police.

Applicant – 158581 explained to the Committee that this was not an intentional collision, he did not know the victim, and if the victim had not passed away, he would not have gone to prison. Applicant – 158581 expressed his regret that the victim's family lost a loved one, and stated that he felt lucky to be alive, having survived his injuries.

Applicant – 158581 explained that following the completion of an extended driving test in 2019, his DVLA driving licence was issued and he had maintained a clean driving licence with no incidents or issues to date.

Applicant – 158581 assured the Committee that if they were to grant his application, he would ensure the safety of the public by complying fully with his licence conditions. Applicant – 158581 explained to the Committee that he fully understood that he caused the collision in 2013 and was remorseful.

Applicant – 158581 told the Committee that he had always been in the furniture industry, however business was not good, and therefore he was seeking a licence to become a taxi driver as he had a wife and two children to provide for.

The Committee asked questions of Applicant – 158581. In response to questioning in relation to his sentence, Applicant – 158581 explained that in 2014, the police asked him if he would plead guilty to the lesser charge of causing death by careless driving to avoid a trial. Applicant – 158581 told the Committee that he declined this proposal, because at the time he did understand that the collision was his fault; he thought that this was purely an accident. Applicant – 158581 explained that it was only when he completed courses in prison that he learned to accept responsibility for the collision.

In response to questioning around his belief that he is a fit and proper person, Applicant – 158581 told the Committee that he was fit and healthy and had experience of driving a number of different vehicles, including a seven-metre box van.

The Committee asked Applicant – 158581 to clarify his suggestion that he drifted into the opposite carriage way, when the press report from the time indicated that a

witness said that he was attempting to overtake. Applicant – 158581 told the Committee that he could only remember the victim's vehicle being in front of him immediately before the collision. Applicant – 158581 told the Committee that the press article was not completely true, and that he did contact the Gazette about this at the time to request that they correct the story, but they did not.

The Committee asked Applicant – 158581 to explain what his exceptional circumstances were to justify a departure from policy. Applicant – 158581 told the Committee that he had worked within retail businesses since he left school, subsequently taking over his father's furniture business. Applicant – 158581 explained that sales opportunities were becoming increasingly difficult due to an increase in online businesses that he could not compete with. Applicant – 158581 further explained that he would like his application to be granted as he was a confident driver with a wife and children to provide for, and also his mother to care for.

When asked about his speed at the time of the collision, Applicant – 158581 told the Committee that he accepted that he was speeding. Applicant – 158581 also told the Committee that the police expert giving evidence in Court said that the outcome of the collision would have been the same even if Applicant – 158581's speed and that of the victim's vehicle had both been 50 miles per hour.

The Committee was given an opportunity to ask questions of Applicant – 158581, with Applicant – 158581 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 officers and Applicant – 158581, 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 under section 51 Local Government (Miscellaneous Provisions) Act 1976, the Committee shall 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 this application on its merits.

The Committee had regard to Appendix E of the Policy which sets out that unless there were exceptional circumstances, a licence would normally be refused if an applicant had a conviction for an offence such as causing death by dangerous driving.

Despite appreciating Applicant – 158581's remorse, the Committee did not feel that there were any exceptional reasons before them to depart from the Council's Policy. The Committee understood Applicant – 158581's assertion that his need to provide for his family financially amounted to exceptional reasons for the Committee to depart from the Council's Policy. Despite being sympathetic in this regard, the Committee noted the case of Leeds City Council-v-Mehfooz Hussain [2002] EWHC 1145 (Admin), in which it was confirmed that personal circumstances, such as financial difficulties, should not be a consideration when determining matters under the licensing regime. The Committee therefore did not add weight to Applicant – 158581's financial situation when reaching their decision.

Ultimately, the Committee do not believe that Applicant – 158581 was a fit and proper person to hold a private hire vehicle drivers' licence. The Committee were unanimously satisfied that Applicant – 158581 application should therefore be refused.

RESOLVED that Applicant – 158581's application for a private hire drivers licence be refused for the reasons as detailed above.

GLC/42/24 Private Hire Driver Application – 157278

Members were asked to consider and determine an application for a private hire driver licence from Applicant - 157278 who had relevant DVLA convictions and therefore did not meet current Transport Policy.

Applicant – 157278 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 – 157278's application containing a DVLA check code, showing one live DVLA endorsement.
- A copy of a summary interview transcript with Applicant – 157278 and Licensing Officers.
- A copy of a revocation letter revoking Applicant – 157278's taxi licence which he had held with Middlesbrough Council.

The Committee understood that the matter before them was to determine a private hire drivers' licence application from Applicant – 157278 who had a relevant Major Traffic Offence specifically an IN10 ' which related to a period during which Applicant – 157278 operated a vehicle without insurance.

The Committee reviewed all the information provided and considered the statements made by Applicant – 157278 and the Licensing Officer. The Committee observed that Applicant – 157278 presented himself well, demonstrating honesty and truthfulness in his responses. The Committee acknowledged that Applicant – 157278's failure to insure his vehicle was a genuine mistake, due to Applicant – 157278 entering incorrect details for his standing order to pay his insurance.

Although this incident fell outside the Council's Policy due to Applicant – 157278's prior conviction for driving without insurance, the Committee recognised the error as unintentional. Consequently, the Committee decided to grant Applicant – 157278 his private hire drivers licence, deeming him a fit and proper person, subject to the successful completion of all relevant tests.

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.

RESOLVED that Applicant – 157278's application for a private hire driver licence be granted for the reasons as stated above, subject to Applicant – 157278 completing all necessary stages of the application requirements.

GLC/43/24 Private Hire Driver Application – 157996

Members were asked to consider and determine an application for a private hire driver Licence from Applicant - 157996 who had relevant convictions and therefore did not meet current Transport Policy.

Applicant - 157996 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- 157996's application, including a DVLA check code and current full licence with no endorsements.
- A copy of a revocation letter revoking Applicant – 157996's taxi licence which he had held with Redcar and Cleveland Council.
- A copy of a summary interview transcript with Applicant – 157996 and Licensing Officers.

The Committee understood that the matter before them was to determine a private hire drivers' licence application from Applicant - 157996 who had a relevant Major Traffic Offence namely DG10 ' Driving or attempting to drive with drug levels above the specified limit.

The Committee considered all the information before them and listened to what Applicant – 157996 and the officer said to them. The Committee noted that Applicant – 157996 came across well and found Applicant – 157996 to be honest and candid in his responses to their questioning. The Committee noted that Applicant – 157996 had sought help for his issues and appeared to have turned his life around.

Despite being outside of the Council's Policy due to Applicant – 157996's previous conviction for driving or attempting to drive with the drug drive level above the specified limit in 2018; the Committee understood that this was at a difficult time in Applicant – 157996's life. The Committee had therefore determined that Applicant – 157996's application should be granted, as they believed that he was a fit and proper person, subject to Applicant – 157996 undertaking a drugs test with a negative result and completing all necessary stages of his application requirements. A drugs test was conducted following the Committee hearing and was negative.

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.

RESOLVED that Applicant – 157996’s application for a private hire driver licence be granted for the reasons as stated above, subject to Applicant – 157996 undertaking a drugs test with a negative result and completing all necessary stages of the application requirements.

Chair:

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General Licensing Committee

A meeting of General Licensing Committee was held on Thursday 20th February 2025.

Present: Cllr Eileen Johnson (Chair), Cllr Mick Moore (Vice-Chair), Cllr Carol Clark (Sub for Cllr Mrs Ann McCoy), Cllr Diane Clarke OBE, Cllr Robert Cook, Cllr John Coulson, Cllr Jason French, Cllr Elsi Hampton, Cllr Andrew Sherris, Cllr Marilyn Surtees and Cllr Hilary Vickers

Officers: Natalie Hodgson, Judy Trainer (DoCS), Elliott Beevers, Polly Edwards, Leanne Maloney-Kelly and Kirsty Wannop (DoAH&W)

Also in attendance: Applicant 000879 and Witness

Apologies: Cllr Clare Besford, Cllr Marc Besford, Cllr Mrs Ann McCoy and Cllr Hugo Stratton

GLC/44/24 Minutes

GLC/45/24 Evacuation Procedure

The evacuation procedure was noted.

GLC/46/24 Declarations of Interest

There were no declarations of interest.

GLC/47/24 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/48/24 Private Hire Driver Application – 158251

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence from Applicant - 158251 who had previously held a combined licence with this authority, and which was revoked by this Licensing Committee.

The Licensing Team Leader explained to the Committee that Applicant - 158251 was not in attendance at the hearing, despite being made aware of it. The Licensing Team Leader told the Committee that Applicant - 158251 had requested to withdraw his application, citing personal reasons for no longer wishing to be a licenced driver.

The Committee decided to continue to determine the application. If the application were to be refused, this would be added to the National Register of Refusals, Revocations and Suspensions (NR3S), whereas a withdrawal would not be recorded.

Bearing in mind the seriousness of the concerns raised, the Committee felt that it was proportionate and appropriate to determine the matter before them, despite the applicant's request to withdraw it.

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

The report detailed the following:

- A copy of Applicant – 158251's application
- A copy of a revocation letter to Applicant – 158251 revoking his licence and the reasons why from Middlesbrough Council.
- A copy of a summary transcript between Licensing Officers and Applicant – 158251.

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

The Committee heard that Applicant – 158251 was previously licensed as a private hire driver with Middlesbrough Council for eleven weeks, from 16th May to 30th July 2024, when his licence was revoked. The Committee were told that officers were made aware of this following a search of the NR3S database, and that Applicant – 158251 did not declare holding a licence with Middlesbrough Council or being revoked by them on his application form.

The Committee heard that Middlesbrough Council provided the licensing team with a copy of the revocation decision letter sent to Applicant – 158251, outlining their reasons for the revocation of his licence. The Committee were told that the letter stated that information was received on 26th July 2024, by Middlesbrough Council, from an employee of James Cook Hospital. The Committee heard that the hospital employee reported that at approximately 7:00pm on 24th July 2024, she and her partner had witnessed Applicant – 158251 standing outside his private hire vehicle masturbating in full view of members of the public.

The Committee were told that Applicant – 158251 had explained to Middlesbrough Council officers during an interview that the reason for his actions was that he was suffering with a medical condition affecting his genital area causing bobbles on his penis. The Committee heard that Applicant – 158251 had told Middlesbrough Council officers that this condition caused him discomfort when sitting, and uncontrollable itching.

The Committee heard that Applicant – 158251 was interviewed by Stockton-on-Tees Borough Council licensing officers on 7th January 2025, regarding his application; Applicant – 158251 was asked why he did not declare his revocation from Middlesbrough Council on his application form. The Committee were told that Applicant – 158251 had advised officers that he was not aware that he had to declare this on his application, despite these questions being asked on the application form.

When asked to explain the incident that led to the revocation of his licence by Middlesbrough Council, the Committee were told that Applicant – 158251 said during

interview'; "Honestly, what happened on that day was, they phoned me that I had masturbated. I have not masturbated. I have a wife. I have a five-year-old son. Why would I want to masturbate in people's eyes. If I want to masturbate, I would go home. I have a wife. I tell my wife to help me masturbate, and I was not masturbating. That is wrong. I have a medical problem. I have a medical issue. I am going to my medical treatment."

The Committee heard that Applicant – 158251 showed licensing officers the medication that he says he was prescribed for his medical condition; flucloxacillin, an antibiotic used to treat skin infections. The Committee were told that flucloxacillin explained to officers that it may have appeared as though he was masturbating, as the bobbles of his penis were painful, and in order to relieve these he had to break the bobbles off.

The Committee were told that when asked, Applicant – 158251 did not know the name of his medical condition, however he had explained to officers that this is caused by sweating in his underwear which resulted in an infection.

The Committee heard that Applicant – 158251 had accepted that it was not right to expose his genitals in a public place, regardless of his assertion that he was not masturbating and described his behaviour as a human mistake.

The Committee were told that in response to being asked if he felt that he was a fit and proper person to hold a licence with this authority, Applicant – 158251 said, "Yes, I've done a mistake, but obviously I know the responsibilities and the value of, you know, holding a licence. I know it's not a joke and I know, you know, basically, I know the responsibility and what needs to be done and what cannot be done when I am, you know, when I'm wearing my badge, I know I have responsibilities. So, I understand all that so I think I'm a suit...I mean, I'm fit to have a licence".

The Committee heard that Middlesbrough Council had confirmed that, except for the complaint relating to masturbation, Applicant – 158251 did not receive any complaints during the brief period that he was licenced by them.

Finally, the Committee heard that officers requested evidence of Applicant – 158251's medical condition, however this had not been provided to date.

The Committee asked the Licensing Officer if the police were involved in this matter. The Licensing Officer confirmed to the Committee that it appeared from the information that had been received that this matter was not reported to the police.

The Committee asked if there was any CCTV footage of the incident, and the Licensing Team Leader confirmed that her team had only been provided with a copy of Middlesbrough Council's revocation decision letter, which did not refer to any CCTV footage.

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 officers.

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 shall not grant a driver's licence unless they are satisfied that the applicant is a fit and proper person. When determining this application, the Committee considered this matter on its merits.

The Committee felt very strongly that whether Applicant – 158251 was masturbating, as it appeared to the witness, or itching his genitals due to a medical condition, as he had stated, either way it was completely unacceptable and wholly inappropriate to expose his genitals and behave in this way in public.

The Committee were also very concerned at Applicant – 158251's lack of insight into his behaviour, which he appeared to minimise and dismiss as a mistake.

The Committee noted that no medical evidence had been provided to support Applicant – 158251's assertion that he had a medical condition that caused uncontrollable itching. The Committee further noted, however, that even with such evidence, this would not have excused Applicant – 158251's completely unacceptable actions.

The Committee noted Applicant – 158251's reference in interview to having responsibilities. The Committee, however, also noted the decision in Leeds City Council-v-Mehfooz Hussain [2002] EWHC 1145 (Admin), where it was clarified that financial difficulties should not be considered when determining such matters under the licensing regime. The Committee understood that their paramount consideration was the safety of the travelling public, and that they could not therefore place weight on financial implications when determining applications. The Committee therefore did not place any weight on Mr Hussain's financial responsibilities when reaching their decision.

Committee Members were not satisfied that they would allow people for whom they care to enter a vehicle with Applicant – 158251 due to their concerns regarding his inappropriate behaviour. The Committee felt that this was compounded by Applicant – 158251's lack of remorse for such behaviour, and failure to declare that he had been previously licenced as a driver and subsequently revoked by Middlesbrough Council. The Committee noted that holding a licence was a privilege and not a right.

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 City Council v Mehfooz Hussain [2002] EWHC 1145 (Admin). In the Committee's view, the circumstances that have led to revocation

being proposed mean that they could not ensure as far as possible that Applicant – 158251 was a suitable and fit person to be licenced.

Ultimately, the Committee do not believe that Applicant – 158251 was a fit and proper person to hold a private hire vehicle driver licence. The Committee were therefore unanimously satisfied that Applicant – 158251's application should be refused.

RESOLVED that Applicant – 158251's application for a Private Hire Driver's licence be refused for the reasons as detailed above.

GLC/49/24 Private Hire Driver Application – 143645

Members were asked to consider and determine an application for a private hire driver licence from Applicant - 143645 who had re applied for a private hire driver licence, with this authority.

The Licensing Officer explained to the Committee that Applicant - 143645 was not in attendance at the hearing and had requested to defer the hearing for over one month, beyond 20th March 2025, citing his requirement to travel urgently due to his mother's ill health.

The Committee considered Applicant – 143645's request, however, decided to continue with the hearing, having taken into account Applicant – 143645's history of not attending pre-arranged interviews which was one of the concerns before the Committee. The Committee felt that it was appropriate to continue the hearing without Applicant - 143645 being present, despite his request for a deferment.

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

The report detailed the following:

- A copy of Applicant – 143645's application form, including his DVLA licence and check code
- A copy of a suspension notice to Applicant – 143645 from this authority.
- A copy of a summary transcript between Applicant – 143645 and Licensing Officers.
- A copy of a letter to intend to refuse Applicant – 143645 a licence due to Applicant – 143645 refusal to undertake a drugs test for which he had 48 hours to respond.
- A copy of Applicant – 143645's e mailed response to the letter.
- A copy of 2 letters to Applicant – 143645 detailing complaints made by members of the public about Applicant - 143645.
- A copy of a witness statement relating to one of the complaints made against Applicant – 143645.
- A copy of a summary transcript with Applicant – 143645 and Licensing Officers.

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

A copy of the report and the appendices had been provided to everyone present and to the members of the Committee. The Licensing Officer outlined the contents of the report to the Committee.

The Committee heard that Applicant – 143645 had previously held a licence to drive private hire vehicles issued by the Council in February 2018, that expired in February 2024.

The Committee were told that in October 2023, the licensing team received a complaint in relation to a private hire vehicle driver that was acting suspiciously near to, and approaching, the complainant's home. Applicant – 143645 was identified as the driver subject to the complaint.

The Committee heard that during the investigation into this complaint, Applicant – 143645 was obstructive with officers; he did not attend pre-arranged interviews, which led to Applicant – 143645's licence being suspended as a result of him not attending to be interviewed in relation to the complaint.

The Committee were told that Applicant – 143645 was eventually interviewed in January 2024, and although it was determined that the matter would be brought before the Licensing Committee, Applicant – 143645's licence subsequently expired the following month, with no renewal application submitted.

The Committee were told that in October 2024, Applicant – 143645 re-applied for a licence and was invited for an interview, which took place on 20th January 2025. The Licensing Officer told the Committee that when asked why he had allowed his licence to expire in February 2024, Applicant – 143645 said that this was due to financial reasons, and that he had not realised that it was due for renewal; it was too late to renew his licence when he realised it had expired.

The Committee heard that when asked about the complaint from 2023, and why he failed to attend interviews at the time, Applicant – 143645 stated that he was not well, he forgot, and he could not recall the correct time when he had arrived too late for one appointment.

The Committee were told that Applicant – 143645 was reminded that under the Council's Private Hire & Hackney Carriage Policy 2021-2026 ("the Policy"), he was required to comply with any reasonable request made by a licensing officer, and Applicant – 143645 confirmed that his non-compliance was not acceptable.

When asked if he was a fit and proper person to be licenced, the Committee heard that Applicant – 143645 told officers that he was fit and mentally safe, and that until now he had "not caused any havoc to anyone" and confirmed that he was also a PSV driver.

The Committee heard that towards end of the interview, Applicant – 143645 agreed to undertake an oral saliva drugs test, however once the interview had ended, Applicant – 143645 declined to participate in the test, stating that he would return another time.

The Committee were told that the Policy stated that a failure to comply with a request for a drug test may result in the suspension or revocation of a driver's licence. As a result of his non-compliance, the Committee heard that Applicant – 143645 was sent a letter, setting out the Council's intention to refuse to grant him a licence. The Committee read Applicant – 143645's response to this letter, received via email on 22nd January 2025, which was ultimately why the matter was brought before the Committee for determination.

The Committee heard a summary of the information held by the licensing team in relation to Applicant – 143645:-

- February 2020 – a complaint was received that Applicant – 143645 refused a fare as the customer would not pay up front. Written advice was provided to Applicant – 143645.
- July 2023 – Applicant – 143645 failed to notify the licensing team of vehicle accident damage within policy guidelines and received an oral warning.
- October 2023 – A report of stalking was received from a complainant who stated that a minibus had been parked outside of her house for hours in the afternoon of 10th October 2023; she was not at home at the time. The complainant stated that she was having work completed at her property, and that the driver of the minibus had approached the workmen and asked who lived there, if they lived alone and if they had a husband; the driver then left. The complainant reported that the driver returned later that evening and approached the property again. It was reported that the driver pushed the complainant's front door open, and the complainant asked him what he was doing there. The complainant stated that the driver told her that someone had sent him, but that he quickly left when she pointed out that there was CCTV at the property. The driver was later identified as Applicant – 143645.

The Committee heard that Applicant – 143645 was eventually interviewed in relation to the October 2023 complaint in January 2024. The Committee were told that Applicant – 143645 admitted waiting outside the property for fifteen to twenty minutes, and claimed that he had asked the workmen if the house was for sale, and admitted he returned to the property later the same day for the same reason, stating "I know it's a bit weird though".

The Committee heard that Applicant – 143645 accepted that this behaviour was "a bit strange" and also stated, "I know it was very odd behaviour". The Committee were told that Applicant – 143645 was issued with a written warning and advised that it would remain on file and may be referred to if he applied for a licence in the future.

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 officers.

Having carefully considered the written documentation before them and in reaching their decision, 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 shall not grant a driver's licence unless they are

satisfied that the applicant is a fit and proper person. When determining this application, the Committee considered this matter on its merits.

The Committee were concerned by Applicant – 143645's failure to attend three pre-arranged interviews in relation to the complaint of stalking in 2023. The Committee agreed with Applicant – 143645's remark during the interview in January 2024, that his behaviour around the complainant's property was very odd behaviour indeed, which he did not appear to have a legitimate explanation for.

The Committee's concerns in relation to the complaint of stalking were compounded by Applicant – 143645's reluctance to participate in drugs testing, his failure to attend pre-arranged appointments and his request to defer the Committee hearing, all of which appeared to the Committee to exhibit a pattern of unusual behaviour and to demonstrate Applicant – 143645's obstructive conduct and unreliability.

The Committee were not satisfied that they would allow people for whom they care to enter a vehicle with Applicant – 143645 due to their concerns regarding his unusual behaviour and unreliability. The Committee felt that this was compounded by Applicant – 143645's lack of remorse for such behaviour. The Committee noted that holding a licence was a privilege and not a right.

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 City Council v Mehfooz Hussain* [2002] EWHC 1145 (Admin). In the Committee's view, the circumstances that have led to this matter being before the Committee meant that they could not ensure as far as possible that Applicant – 143645 was a suitable person to be licenced.

The Committee noted Applicant – 143645's reference in his email dated 22nd January 2025, to being a single parent and looking after his elderly father. The Committee, however, also noted the decision in *Leeds City Council-v-Mehfooz Hussain* [2002] EWHC 1145 (Admin), where it was clarified that financial implications should not be considered when determining such matters under the licensing regime. The Committee understood that their paramount consideration is the safety of the travelling public, and that they could not therefore place weight on financial implications when determining applications. The Committee therefore did not place any weight on Applicant – 143645's financial responsibilities when reaching their decision.

Ultimately, the Committee do not believe that Applicant – 143645 was a fit and proper person to hold a private hire vehicle driver licence. The Committee were therefore unanimously satisfied that Applicant – 143645's application should be refused.

RESOLVED that Applicant – 143645’s application for a Private Hire Driver’s licence be refused for the reasons as detailed above.

GLC/50/24 Combined Hackney Carriage and Private Hire Driver – 000879

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence from Applicant - 000879 who had previously held a combined licence with this authority, and which was revoked by this Licensing Committee.

Applicant - 000879 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 Applicant – 000879’s application, including a DVLA check code and current full licence with no endorsements
- A copy of minutes from the meeting where Applicant – 000879’s licence was revoked as well as a copy of the decision notice.
- A copy of a summary transcript between Applicant – 000879 and Licensing Officers.
- A copy of two-character references which had been supplied by Applicant – 000879.

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

The Committee noted that the application was for the grant of an application for a combined hackney carriage and private hire vehicle drivers’ licence as detailed within the Committee report.

The Committee heard that Applicant – 000879 had previously held a licence with the authority, which was revoked by the Committee on 16th July 2024.

The Committee read the minutes from the Committee hearing held on 16th July 2024, and the decision notice that followed, which appeared as part of the Committee papers.

The Committee noted that Applicant – 000879’s licence was revoked following three separate complaints received in April and May 2024. An outline of the complaints before the Committee held on 16th July 2024 was set out in the decision notice, summarised as follows:-

- Complaint 1 – On 2nd April 2024, a member of the public reported PHV 2275 had collided with her vehicle and left the scene, which was captured on CCTV. The driver was identified as Applicant – 000879, who initially denied the collision and stated that he had been at home asleep at that time. When Applicant – 000879 was interviewed in relation to this matter, his recollection of the date in question changed, then admitting to officers that he vaguely remembered the incident. Despite this, and

viewing the CCTV with officers during interview, Applicant – 000879 denied colliding with the complainant's vehicle and denied that witnesses had attempted to prevent him from driving away. Applicant – 000879 also denied any damage to his vehicle, despite being advised that the operator had confirmed damage to the vehicle consistent with the impact area. During interview, Applicant – 000879 said that he checked his vehicle on the day of the incident and there was no damage, other than scratches to the wheel arch which he said were caused by him scratching the vehicle on a wall.

- Complaint 2 – A complaint was received from a member of the public who alleged that Applicant – 000879 had littered from his vehicle and had behaved in an intimidating manner towards her in the presence of her child. The complainant expressed that the incident left her feeling worried that Applicant – 000879 would seek retribution, as he knew where she lived. The complainant said that she was particularly anxious when she heard vehicles outside of her home with the engine running. Applicant – 000879 was interviewed about this complaint on 20th May 2024, he denied littering and being aggressive. The witness attended the Committee hearing and gave evidence in relation to her complaint.

- Complaint 3 – On 15th May 2024, footage was received from the Council's CCTV team, showing Applicant – 000879's Private Hire Vehicle involved in facilitating drug dealing. The information received from Cleveland Police stated that when Applicant – 000879's vehicle was confronted by police, it was driven towards the police car at speed and then onto a footpath to get away. The operator identified the vehicle as being rented to Applicant – 000879's however there were no booking records at the date and time of the incident, which led officers to suspect the criminal offences of "plying for hire" and "driving without insurance", in addition to the drug dealing activity. The Committee noted that the reason that the Committee previously revoked Applicant – 000879's licence was set out in its decision notice, which stated, in summary:-

- The Committee did not believe Applicant – 000879's version of events in relation to his knowledge of Complaint 1. The Committee felt, on the balance of probabilities, that Applicant – 000879 knew that it was his son that was responsible for the collision. The Committee noted that Applicant – 000879 had not informed the licensing team of this information before the Committee hearing, whenever he became aware of it.

- The Committee members took into consideration that Applicant – 000879 appeared insincere and disingenuous in response to the Committee's questioning about the complaints before them.

- The Committee found it hard to understand why Applicant – 000879, who admitted to officers on 20th May 2024, during his interview, that his son was responsible for driving his vehicle in the early hours of 15th May (Complaint 3), still lied to officers at that time then about his son driving his vehicle on 2nd April 2024 (Complaint 1). The Committee's doubts in relation to Applicant – 000879 were compounded by his dubious explanations about exactly when he became aware of his son taking his car and being responsible for the collision in Complaint 1.

- Framed by the more recent occasion that his son had taken his car, as set out in Complaint 3, the Committee were concerned about Applicant – 000879's ability to ensure that his licenced vehicle was secure and not being driven unlawfully by his son. The Committee found Applicant – 000879's lack of oversight of his son's unlawful

use of his licenced vehicle concerning, particularly as this had happened twice in six weeks, on both 2nd April and 15th May.

- In addition to their concerns in relation to Complaint 1, the Committee were alarmed at Applicant – 000879's behaviour towards Ms C as set out in Complaint 2. The Committee found Ms C to be a credible and honest witness. The Committee felt that it was reasonable of Ms C to request that Applicant – 000879 pickup his litter, whether this had left his vehicle window intentionally or not.
- The Committee found Applicant – 000879's intimidating and distressing behaviour towards Ms C to be inappropriate behaviour for a licenced driver. Despite Applicant – 000879, in his own admission, becoming angry when he thought that Ms C was following him, the Committee strongly felt that Applicant – 000879 overreacted in this situation, which he could have prevented by disposing of his litter correctly, and should never had taken a photograph of her property.
- The Committee did not feel that Applicant – 000879 was credible in response to the majority of their questioning, nor did they find his apology to the witness to be genuine nor sincere.
- The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with Applicant – 000879 due to their doubts surrounding his explanation of the circumstances that led to both Complaints 1 and 2. The Committee felt that this was compounded by Applicant – 000879's history as a licenced driver as outlined in the report before the Committee. The Committee felt that Applicant – 000879's history, added to how he had responded to the three complaints before the Committee, demonstrated a pattern of concerns in relation to Applicant – 000879's attitude and breaking the rules. The Committee noted that Applicant – 000879 had already received written warnings and advice on at least six occasions during his career.

The Committee heard that it was only seven months since the Committee had previously revoked Applicant – 000879 licence.

The Committee heard that Applicant – 000879 was interviewed in relation to his application on 6th January 2025, and a copy of the summary transcript appeared within the Committee papers.

Applicant – 000879's history as a licenced driver was outlined to the Committee by the Licensing Officer. A summary of this information is as follows:-

- 8th March 2004 – Applicant – 000879 was prosecuted for fraud. He was referred to the Licensing Committee, who suspended his licence for two weeks.
- 19th October 2007 – Applicant – 000879 received a written warning for using a mobile telephone whilst driving.
- 25th May 2010 – Applicant – 000879 failed to declare a motoring conviction for using a mobile telephone whilst driving. Applicant – 000879 received a written warning.
- 20th September 2011 – Applicant – 000879 received advice regarding overcharging and his attitude.

- 24th January 2013 – Applicant – 000879's DBS check was unsatisfactory for a licenced driver as a conviction for shoplifting was revealed. Applicant – 000879 received a written warning.
- 15th December 2014 – Applicant – 000879 was stopped by police for using mobile telephone and not wearing seatbelt. Applicant – 000879 received a written warning following this.
- 24th March 2020 – Applicant – 000879's licence was revoked as he was medically unfit due to a heart bypass.
- 1st August 2023 – Applicant – 000879 re-applied for a combined licence, which was granted.
- 25th January 2024 – Applicant – 000879 was arrested by police, put into a police van and had his vehicle searched. Applicant – 000879 said this was in relation to an armed robbery at a bookmakers, but that he was cleared at the scene. Applicant – 000879 was issued with oral advice to report any dealings with police to the licensing team.
- 2nd April 2024 – A member of the public reported that Applicant – 000879's vehicle collided with their vehicle and the driver left the scene.
- 24th April 2024 – A member of the public reported that Applicant – 000879 littered from his vehicle and behaved in an intimidating manner.
- 15th May 2024 – footage received from CCTV team showed Applicant – 000879's vehicle facilitating drug dealing.
- 16th July 2024 – Applicant – 000879's licence was revoked by the Committee. The Committee and Applicant – 000879 were given an opportunity to ask questions of the Licensing Officer.

Applicant – 000879 provided the Committee with a copy of three character references in support of his application; an undated letter from HC, an email dated 22nd January 2025 from neighbour and friend, JN, and a letter dated 19th February 2025, from Councillor Mohammed Mazi Maroof, who stated that he was a close family friend of Applicant – 000879.

Applicant – 000879 told the Committee that at the time of the complaints that resulted in the revocation of his licence, his partner was sadly suffering from cancer, and he was trying to keep everything together. The Committee heard from Applicant – 000879 that he had hoped that if he gave his son a chance, that everything could be okay, and that is why he attempted to cover for his son's actions.

Applicant – 000879 assured the Committee that he did not offer his son another chance, and did not cover for his actions the second time that he was in trouble. The Committee heard from Applicant – 000879 that he now secured his car keys, and that his son was now socialising with a different crowd of people and attending college.

Applicant – 000879 apologised to the Committee and said that the revocation of his licence had had a significant financial impact upon him.

In response to the Committee's questioning, Applicant – 000879 confirmed that in his view he had always been a fit and proper person, despite attempting to cover for his son's actions. Applicant – 000879 assured the Committee that he had always been honest and had never had any issues with anyone.

When questioned by the Committee in relation to his history as set out in the Committee papers, Applicant – 000879 said that these were historic and that since then he had not been in any trouble. In relation to his arrest in 2024 in relation to an armed robbery, Applicant – 000879 told the Committee that this occurred when he was on his way to the supermarket. Applicant – 000879 explained that the police attended his home address with guns, however this was purely a case of mistaken identity.

When questioned by the Committee in relation to his written warning for using a mobile telephone and not wearing a seatbelt in 2014, Applicant – 000879 said that he now uses a hands-free kit.

The Committee asked Applicant – 000879 about his medical fitness and he assured members that he had now passed a medical examination, following his heart bypass surgery in 2020.

Applicant – 000879 was invited to speak last, and he assured the Committee that he regretted what had happened in the past and would like the Committee to give him another chance. Applicant – 000879 told the Committee that he had held a licence for thirty years and had never been in trouble.

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 Applicant – 000879 in response to the Committee's questions, and the three character references provided in support of Applicant – 000879's application.

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 shall not grant a driver's licence unless they are satisfied that the applicant is a fit and proper person. When determining this application, the Committee considered this matter on its merits.

The Committee felt that Applicant – 000879 was disingenuous when he stated that he had not been in trouble before the recent complaints from April and May 2024. The Committee were concerned at Applicant – 000879's lack of insight into the three complaints and his driver history, which he appeared to minimise rather than accept.

The Committee noted that Applicant – 000879 had already received written warnings and advice on at least six occasions during his career. The Committee felt that Applicant – 000879's history, plus how he appeared to minimise the three complaints that were before the Committee in 2024, raised recurrent concerns about Applicant – 000879's attitude and his repeated non-compliance with legal requirements.

The Committee considered the character references provided by HC, JN, and Councillor Mohammed Mazi Maroof which had been provided in support of the applicant. Members were not persuaded that this was sufficient evidence to find that the applicant was a fit and proper person. The Committee did not add weight to the character references, as members found it reasonable to assume that the referees were not fully aware of the full contents of the evidence before the Committee, including the applicant's full history, dishonesty and the extent of the intimidating behaviour towards a member of the public.

The Committee noted that no character references were received from previous passengers of the applicant in support of his assertion that he was a fit and proper person. The Committee further noted that no character references were provided by anyone for whom the applicant had worked for.

The Committee noted Applicant – 000879's reference to the financial strain that the revocation of his licence had caused him. The Committee noted that as per the decision in *Leeds City Council-v-Mehfooz Hussain* [2002] EWHC 1145 (Admin), where it was clarified that financial difficulties should not be taken into account when determining such matters. The Committee understood that the licensing regime is in place to address the safety of the travelling public, and that they could not therefore place weight on financial implications when considering applications.

Whilst the Committee were sympathetic towards Applicant – 000879's partner's illness, and appreciated the impact that this had upon Applicant – 000879 and his family, members were not persuaded that this was sufficient justification for Applicant – 000879's behaviour, nor for his driver history from 2004 to 2024.

The Committee acknowledged that Applicant – 000879's apology in respect of him attempting to cover for his son's actions appeared to be genuine. Unfortunately, however, the Committee noted that Applicant – 000879 made no reference to his intimidating and distressing behaviour towards a member of the public in the presence of her child in April 2024, who had asked him to pick up litter deposited from his taxi. The Committee felt that his lack of acknowledgement of his intimidating actions was equally as worrying to the Committee as his dishonesty in respect of his son's actions, compounded by his history.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with Applicant – 000879 due to their doubts surrounding his honesty and his past behaviour. The Committee felt that this was compounded by Applicant – 000879's concerning history as a licenced driver as set out in the Committee papers. The Committee noted that holding a licence was a privilege and not a right.

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 City Council v Mehfooz Hussain* [2002] EWHC 1145 (Admin). 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 Applicant – 000879 was a suitable and honest person to be licenced.

Ultimately, the Committee did not believe that Applicant – 000879 was a fit and proper person to hold a combined hackney carriage and private hire vehicle driver licence. The Committee were therefore unanimously satisfied that Applicant – 000879's application should be refused.

RESOLVED that Applicant – 000879's application for a Combined Hackney Carriage and Private Hire Driver's licence be refused for the reasons as detailed above.

Chair:

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General Licensing Committee

A meeting of General Licensing Committee was held on Tuesday 25th March 2025.

Present: Cllr Eileen Johnson (Chair), Cllr Mick Moore (Vice-Chair), Cllr Marc Besford, Cllr Diane Clarke OBE, Cllr Robert Cook, Cllr John Coulson, Cllr Elsi Hampton, Cllr Mrs Ann McCoy, Cllr Andrew Sherris, Cllr Norma Stephenson OBE (Sub for Cllr Clare Besford), Cllr Hugo Stratton, Cllr Marilyn Surtees and Cllr Hilary Vickers

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

Also in attendance: Applicant – 153917 and Applicant – 158743

Apologies: Cllr Clare Besford and Cllr Jason French

GLC/51/24 Evacuation Procedure

The evacuation procedure was noted.

GLC/52/24 Declarations of Interest

There were no declarations of interest.

GLC/53/24 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/54/24 Hackney Carriage and Private Hire Driver Application – 153917

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence from Applicant- 153917 who had had his licence revoked with this authority in June 2024

Applicant - 086879 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 application, including a DVLA check code and current full licence with no DVLA endorsements.

- A Cleveland Police Common Law Disclosure, received by Stockton Borough Council in relation to the arrest and details of the conditions of bail relating to Applicant – 153917.
- A copy of an officer delegated decision and a revocation letter relating to Applicant – 153917.
- A copy of a No Further Action (NFA) letter from Cleveland Police in relation to alleged offences relating to Applicant – 153917.
- A copy of a legal file relating to Applicant – 153917.
- A copy of a summary transcript of an interview with Licensing Officers and Applicant – 153917
- Copies of screen shots from Applicant -153917's WhatsApp chat with his now ex-wife which he felt supported his version of events.
- A copy of a recording of a conversation transcribed from Urdu between Applicant – 153917 and his now ex-wife.
- A copy of a revocation letter from Middlesbrough Council relating to Applicant – 153917.

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

Applicant – 153917's application was brought before the committee due to him previously being revoked by this authority in June 2024 due to Applicant – 153917's police arrest in May 2024 for the alleged offences of 'Battery', 'Causing Grievous Bodily Harm with intent to do Grievous Bodily Harm', 'Engage in Controlling/Coercive Behaviour in an intimate/family relationship', and 'Assault Occasioning Actual Bodily Harm'.

The Committee Members were presented with the officers report and had the opportunity to ask questions of both the officers and Applicant - 153917.

Applicant - 153917 maintained his innocence throughout from his initial arrest through to the committee hearing.

The Committee deliberated all the information before them and the comments Applicant – 1539217 had made during the hearing. They determined that Applicant – 153917's application should be granted as they believed he was a fit and proper person. The Committee commented that Applicant - 153917 appeared to be honest and provided evidence to back up his story in relation to screenshots of WhatsApp chats, phone calls and bank accounts.

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 in regard to Applicant – 153917's licence and this could include revocation.

The Council had a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are

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.

Applicant – 153917 was informed that he must complete all necessary stages of the application requirements prior to receiving his licence.

RESOLVED that Applicant – 153917 be granted his combined hackney carriage and private hire driver licence following successful completion of all necessary stages of the application requirements.

GLC/55/24 Private Hire Driver Application – 158743

Members were asked to consider and determine an application for a private hire driver licence from Applicant- 158743 who had relevant DVLA convictions and did not meet the Licensing Authorities current Transport Policy.

Applicant - 158743 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- 158743's application which contained a DVLA check code, showing two live DVLA endorsements.
- A copy of a summary transcript between Licensing Officers and Applicant- 158743.

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

The Committee heard that a DVLA check code was received as part of the usual application process showing two live DVLA endorsements for the offences of 'driving otherwise than in accordance with a licence' and 'driving a motor vehicle uninsured against third party risks' on 4th January 2022. The Committee were told that the applicant received 8 penalty points for these offences on 28th July 2022, and was fined £660.

The Committee heard that the Council's current policy stated that an application would normally be refused until at least four years after the most recent conviction, caution, reprimand, final warning or if the person was disqualified, after the restoration of their driving licence, whichever was the later. The Committee were told that four years from Applicant- 158743's most recent conviction date was 28th July 2026.

The Committee were told that Applicant- 158743 was interviewed on 4th March 2025, by Licensing Officers, about the circumstances surrounding conviction. The Committee heard that Applicant- 158743 had explained that his friend was working for Just Eat delivering food, was unwell and asked Applicant- 158743 to deliver the food for him. The Committee heard that Applicant- 158743 said that he had attended McDonalds to collect the food, and when he returned to his car the police were waiting

for him. The Committee were also told that Applicant- 158743 stated that he only held a provisional licence at the time and was driving alone in the vehicle.

The Licensing Team Leader for the Council told the Committee that Applicant- 158743 had said that he came to the UK in 2019, and did not know that he was required to be accompanied in the vehicle as a learner driver.

The Committee heard that in response to being asked if Applicant- 158743 believed that he was a fit and proper person to hold a private hire driver licence, Applicant- 158743 explained that he liked driving and communicating with people; a good fit as a taxi driver. The Committee were told that Applicant- 158743 told officers that he was a taxi driver for five years in his home country, and that he was a huge fan of driving, which is why he thought becoming a taxi driver in the UK was a good idea.

The Committee were told that Applicant- 158743 undertook an oral fluid drugs screening test at the end of his interview and the results were negative.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them.

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 shall 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 this application on its merits.

The Committee had regard to Appendix E of the Policy, particularly section B; "If an applicant has an endorsement in respect of a major traffic offence then the application will normally be refused until at least four years after the most recent conviction, caution, reprimand, final warning or if the person was disqualified, after the restoration of their driving licence, whichever is the later".

The Committee understood that offence of 'driving a motor vehicle uninsured against third party risks' was listed as a major traffic offence under the Policy.

Members were not satisfied that they would allow people for whom they care to enter a vehicle with Applicant- 158743 due to his previous convictions for 'driving a motor vehicle uninsured against third party risks' and 'driving otherwise than in accordance with a licence' in 2022.

The Committee did not feel that there were any exceptional reasons before them to depart from the Policy that Applicant- 158743 should demonstrate four years free from conviction from July 2022.

The Committee noted that, without further conviction, that would be July 2026 at the earliest.

Ultimately, the Committee did not believe that Applicant- 158743 was a fit and proper person to hold a private hire vehicle drivers' licence. The Committee were satisfied that Applicant- 158743's application should therefore be refused.

RESOLVED that Applicant- 158743's application for a Private Hire Drivers Licence be refused for the reasons as detailed above.

Chair:

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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

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of the Local Government Act 1972.

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Agenda Item 8

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

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