

## GENERAL LICENSING COMMITTEE

A meeting of General Licensing Committee was held on Wednesday 23 October 2024.

**Present:** Cllr Mick Moore (Vice-Chair), Cllr Marc Besford, Cllr Carol Clark, Cllr Diane Clarke OBE, Cllr Jason French, Cllr Elsi Hampton, Cllr Mrs Ann McCoy, Cllr Andrew Sherris, Cllr Hugo Stratton, Cllr Marilyn Surtees and Cllr Hilary Vickers.

**Officers:** Natalie Hodgson, Sarah Whaley (DoCS), Elliott Beevers, Polly Edwards and Kirsty Wannop (DoAH&W).

**Also in attendance:** Applicant - 001391, Applicant - 143184, Hackney Carriage Driver - 001134 and Mr Tahir Ali

**Apologies:** Cllr Eileen Johnson (Chair), Cllr Clare Besford and Cllr Robert Cook.

### **GLC/23/24 Evacuation Procedure**

The evacuation procedure was noted.

### **GLC/24/24 Declarations of Interest**

Councillor Hilary Vickers declared a personal interest in relation to item, 'Hackney Carriage and Private Hire Driver Application – 001391'. Cllr Vickers informed the Committee that Applicant – 001391 had corresponded with his Local MP Matt Vickers, who was also Cllr Vickers son. Cllr Vickers left the room during the item, did not take part in the debate or vote on the item.

### **GLC/25/24 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/26/24 Hackney Carriage and Private Hire Driver Application – 001391**

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence, from Applicant - 001391 who had previously held a combined licence with this authority, and which was revoked in November 2022.

Applicant - 001391 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 - 001391's application, including a DVLA check code and current full licence which had no endorsements

- A copy of a summary transcript with Applicant – 001391 and Licensing Officers which took place during September 2024.

- A copy of a committee minute and decision notice where Applicant – 001391 had had his licence revoked.

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 in the Committee report.

The Committee heard that as Applicant – 001391 had previously had his combined hackney carriage and private hire drivers' licence revoked by the Committee, it was standard practice for the Committee to determine a new application from him.

The Committee heard that, as part of the application process, Applicant – 001391 was interviewed during September 2024. The Committee were told that Applicant – 001391 stated in interview that he believed that he was a fit and proper person because he was not convicted of any offence by Cleveland Police, despite two previous arrests.

The Committee heard that records confirmed that Applicant – 001391 was licensed by the Council prior to 2004, until his licence was revoked in 2022.

The Committee were told that Applicant – 001391's licence to drive hackney carriage and private hire vehicles was suspended in 2020, following his arrest by Cleveland Police for allegedly engaging in controlling/coercive behaviour and allegedly raping his then wife.

The Committee understood that a further arrest followed in August 2021; Applicant – 001391's licence remained suspended at that time following the first arrest. The second arrest for rape was in connection with an allegation from a female that she was transported to an address in Bowesfield Lane, Stockton-on-Tees, and subjected to imprisonment, gang rape and injected with heroin.

The Committee were told that in November 2022, Cleveland Police took no further action against Applicant – 001391 in any of the matters for which he was arrested.

The Committee heard that Applicant – 001391 subsequently appeared before the Licensing Committee on 8th November 2022; Members revoked his combined hackney carriage and private hire drivers' licence, as they did not deem him to be a fit and proper person.

The Committee heard that Applicant – 001391 exercised his right of appeal against the revocation, and his appeal was heard at Teesside Magistrates' Court on 11th April 2023. When reading aloud the Court's decision, the Court stated that Applicant – 001391's appeal was full of inconsistencies, including:

- Applicant – 001391, claiming during the Licensing Committee hearing that the police had taken CCTV from his building, but he had not been informed of the outcome of this;
- Applicant – 001391 stated during his recorded police interview that the CCTV was not working; and had stopped working a year before the incident;
- Applicant – 001391 did not disclose to Police on arrest that he was a taxi driver yet told the Court that he had told the Police that he was a taxi driver.

The Committee heard that the Court refused Applicant – 001391's appeal as the Court did not believe that he was a fit and proper person. Costs in the sum of £300 were awarded in favour of the Council, which Applicant – 001391 had paid.

The Committee were told that apart from the two arrests, Applicant – 001391's driver history included a note on file that during December 2012, PC Snaith had caused the vehicle being driven by Applicant – 001391 to stop, as he had witnessed Applicant – 001391 driving at 45mph in 30mph zone. The committee papers contained PC Snaith's email being sent to the Council describing the interaction with Applicant – 001391.

The Committee noted that Applicant – 001391 had provided them with additional documentation, which was circulated to everyone present at the hearing. These documents included the following :-

- A copy of an email dated 21st October 2024 at 23:59, from Applicant – 001391 to a Licensing Officer. The email attached the additional documentation to be circulated prior to the Committee and sets out what Applicant – 001391 went on to tell the Committee during the hearing.
- A copy of an email dated 29th June 2021 at 02:24, from Paul Robinson of Cleveland Police to Applicant – 001391. The email detailed an allegation made by Applicant – 001391 of theft and criminal damage against his ex-wife, and confirmed that no further action was to be taken as the evidential threshold had not been met;
- A copy of an email dated 7th September 2023 at 17:16, from the office of Matt Vickers MP, setting out the Home Office's response to correspondence sent to the Home Office;
- A copy of an email dated 20th July 2023 at 11:57, from the office of Rishi Sunak MP, advising Applicant – 001391 to contact Matt Vickers MP rather than Mr Sunak;
- A copy of a HMCTS divorce application issued on 3rd June 2021;
- A copy of what appeared to be the first page of an undated Family Court Order;
- A copy of page 1 of 3 of a Land Registry document addressed to Applicant – 001391 dated 11th August 2021 entitled "Notice of an application for a home rights notice" in relation to the Family Law Act 1996;
- A copy of a document entitled "Third and Final Islamic Divorce" dated 30th July 2020;

- A copy of a letter dated 9th June 2021, from Cleveland Police Domestic Abuse Unit, confirming that no further action was being taken against Applicant – 001391 due to insufficient evidence to provide a realistic prospect of conviction; and
- A redacted document entitled “Appendix 9 Cleveland Police Factual Report provided by OIC PC Pate on 07.10.2022” that confirmed that in relation to the allegation of kidnap and rape for which Applicant – 001391 was arrested, the victim began to disengage from Police and would not take the matter further. The document confirmed that no further action was taken against Applicant – 001391 and the other suspect(s) as there was “no evidence to suggest that they were responsible for the allegations made”.

A further document was presented to the Committee by Applicant – 001391 during the hearing; a letter dated 10th January 2023, from Mr M Maroof of Tees Valley Cabs Limited in support of Applicant – 001391’s appeal, heard in April 2023.

Applicant – 001391 addressed the Committee at length in relation to his two arrests and his divorce from his ex-wife.

Regarding references to CCTV in connection with the gang rape allegation (Applicant – 001391’s second arrest), Applicant – 001391 told the Committee that he owned fifty percent of the building, with his brother owning the other half. Applicant – 001391 told the Committee that his brother had a CCTV company, and that his brother dealt with the request for CCTV at the time, not him. Applicant – 001391 told the Committee that during his police interview, he told the police that the CCTV had not worked “for a while”, not for over a year.

Applicant – 001391 told the Committee that he now accepted that he did not tell the police that he was a taxi driver and apologised for missing this out previously.

Regarding the driver history record of Applicant – 001391 being stopped by police for exceeding the speed limit on 16th December 2012, Applicant – 001391 told the Committee that he was unaware of this and could not recall being spoken to by the Police. Applicant – 001391 advised the Committee that he had submitted a subject access request for this information from Cleveland Police, however this would take time.

In response to the Committee’s questioning about his attitude to exceeding the speed limit, Applicant – 001391 stated that he should have been interviewed by the Council at the time if he had been travelling that fast. Applicant – 001391 was reminded that the question related to his attitude towards exceeding the speed limit, rather than the actions of the Council at the time. Applicant – 001391 eventually confirmed to the Committee that he did not exceed the speed limit and had made a subject access request to police for information regarding this incident, as he could not recall it.

Regarding Applicant – 001391’s first arrest for engaging in controlling/coercive behaviour and raping his then wife, Applicant – 001391 reiterated what he had advised the Committee and the Court previously; this was, in his view, a malicious allegation made by his then wife to ensure that she could remain in the UK.

In relation to his second arrest in connection with the gang rape allegation, Applicant – 001391 told the Committee that he now believed that his ex-wife paid the person to make a false allegation and have him arrested, although he acknowledged in

response to the Committee's questioning that he had no evidence to support his new theory. The Committee heard from Applicant – 001391 that he intended to make a claim for unlawful arrest in relation to this matter.

The Committee heard from Applicant – 001391 that he had also applied to Newcastle City Council for a licence, which the Committee confirmed was not relevant to this Committee.

The Committee heard that in response to being asked if he believed that he was a fit and proper person to hold a combined hackney carriage and private hire drivers licence, Applicant – 001391 confirmed that he previously worked for Tees Valley Cabs Limited for 17 years, and always worked his birthday and during Eid.

Applicant – 001391 told the Committee that although he knew that he had been arrested twice, he had never been arrested before or after those two occasions. Applicant – 001391 also told the Committee that the allegations made by his wife were made against him and his family members, the day after their divorce, in his view so that she could stay in the country. Regarding the second allegation, Applicant – 001391 told the Committee that he did not know who the female complainant was, but that these allegations were also made against him and his family, and that he was the only family not to have been re-licenced as a taxi driver.

The Committee was given an opportunity to ask questions of Applicant – 001391, with Applicant – 001391 speaking last.

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 found Applicant – 001391 to be disingenuous and evasive, particularly when asked about the incident on 16th December 2012, which was detailed in the email from PC Snaith contained within the Committee papers. The Committee appreciated that the interaction with police was over eleven years ago, and that Applicant – 001391 stated that he could not recall it. The Committee, however, found it difficult to understand why Applicant – 001391 had made a subject access request in relation to this matter, as PC Snaith's account of the interaction was clearly set out within the Committee papers. The Committee were more concerned by Applicant – 001391's evasive responses to their questioning about his attitude to exceeding the speed limit, rather than the subject matter of an incident over eleven years ago.

The Committee appreciated Applicant – 001391 advising them that he now accepts that he omitted to advise the police that he was a taxi driver on both occasions when he was arrested. Whilst the Committee heard Applicant – 001391 apologise for omitting to tell them this previously, the Committee found it difficult to add any weight

to what Applicant – 001391 told them, as he now admitted being untruthful about this in the past.

The Committee felt that Applicant – 001391's account of the matters for which he was arrested appeared on balance to be inconsistent, particularly due to Applicant – 001391's assertion that the two arrests were somehow linked, and his belief that his ex-wife had paid the complainant in the gang rape and kidnap matter to fabricate the allegations against Applicant – 001391 and his family members. The Committee noted that Applicant – 001391 did not raise this concern at the time with Police, nor did he share this with the original Licensing Committee on 8th November 2022, nor with Magistrates during his appeal hearing on 11th April 2023.

This Committee felt, on the balance of probabilities, that they had not been provided with any credible evidence to demonstrate that Applicant – 001391 was a fit and proper person. The Committee were not satisfied that they would allow people for whom they care for to enter a vehicle alone with Applicant – 001391, due to their concerns at the inconsistencies in Applicant – 001391's account of the matters before them, and the evasive manner in which he presented himself before them at the hearing.

The Committee were also mindful of the two separate arrests for serious allegations of rape in July 2020 and August 2021, both of which Applicant – 001391 failed to notify the licensing department of, in contravention of his licence conditions. The Committee noted that holding a combined hackney carriage and private hire vehicle drivers licence was a privilege and not a right. Ultimately, the safety of the traveling public was the Committee's paramount concern, and the Committee felt, on balance, that their doubts about Applicant – 001391's fitness and propriety meant that they could not grant his application; and it was therefore refused.

RESOLVED that Applicant – 001391's application for a Combined Hackney Carriage and Private Hire Driver's licence be refused for the reasons as detailed above.

#### **GLC/27/24 Hackney Carriage Driver– 001134**

Members were asked to consider and determine the continued fitness of licensed Hackney Carriage Driver - 001134 who's vehicle was stopped during a joint operation by Cleveland Police Road Policing Unit alongside Licensing Officers due to his manner of driving.

Prior to the hearing, a discussion took place with Hackney Carriage Driver - 001134 and Mr Ali, who Hackney Carriage Driver - 001134 wished to assist him throughout the hearing. After several discussions, it was agreed that Mr Ali could attend the hearing to represent Hackney Carriage Driver - 001134, however it was noted that this was as a representative, rather than as an interpreter. Mr Ali understood that his role was to present the case on behalf of Hackney Carriage Driver - 001134, and that Hackney Carriage Driver - 001134 would be required to answer the Committee's questions himself.

Hackney Carriage Driver - 001134 and Mr Ali representing hackney carriage driver - 001134 were in attendance and given the opportunity to make representation,

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

The report detailed the following:

- A copy of a statement detailing an incident involving Hackney Carriage Driver - 001134 during September 2024

- A copy of a summary transcript of an interview with Hackney Carriage Driver - 001134 and Licensing Officers.

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

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

The Committee understood that the matter before them was to determine the continued fitness of licenced Hackney Carriage Driver - 001134 as detailed in the Committee report and appendices.

The Committee heard that Council records confirmed that Hackney Carriage Driver - 001134 had been licenced with the Authority since before 2004.

The Committee were told that on Friday 27th September 2024, police and licensing officers conducted a compliance check operation on Council licensed private hire and hackney carriage vehicles. The Committee heard that whilst travelling down Norton Road, near Hills Drive, in the direction of Stockton-on-Tees at 00:30 hours on Saturday 28th September 2024, a hackney carriage vehicle was witnessed travelling in the opposite direction, towards Norton High Street.

The Committee heard that officers decided to carry out a routine check on the vehicle, turned around and began to follow the vehicle along Norton Road. The Committee were told that it was clear to the licensing officers and the police officer that something was distracting the driver, as on at least three occasions the vehicle crossed the central white line and drove onto the other side of the road.

The Committee were informed that the driver was believed to be travelling above the 30mph statutory speed limit, as the driver was estimated to be travelling at 40 to 47mph, due to the time it took for the police vehicle to catch up to it and the speed of the police vehicle at that time.

The Committee heard that the vehicle stopped at the taxi rank on Norton High Street outside the Tesco store; the police officer parked behind the vehicle and switched on the blue lights. The Committee were told that as the officers exited the police vehicle, they could hear a video playing from the hackney carriage vehicle, and they could see a light from a screen emanating from inside it.

The Committee heard that as officers approached the vehicle, the driver confirmed himself to be Hackney Carriage Driver - 001134, who paused the video that was playing on the screen built into his vehicle. The Committee were told that the police officer issued Hackney Carriage Driver - 001134 with a fixed penalty notice for using a mobile device whilst driving, despite Hackney Carriage Driver - 001134 protesting that he would not do this again and asking for the officer to "let him off this one time".

The Committee were told that on 8th October 2024, Hackney Carriage Driver - 001134 was interviewed by licensing officers in relation to this incident; during which Hackney Carriage Driver - 001134 stated that the video was not playing whilst he was driving and that he was swerving on Norton Road to avoid potholes. The Committee heard that during interview, Hackney Carriage Driver - 001134 said that he had only turned the video on when he had parked at the rank on Norton High Street; officers advised Hackney Carriage Driver - 001134 that this was not believable and questioned why he was changing the account that he gave on the night of the incident.

The Committee also heard that Hackney Carriage Driver - 001134 denied during interview that he exceeded the speed limit whilst travelling along Norton Road. The Committee were told by the Licensing Officer, in response to questioning, that he believed that the police officer did not deal with Hackney Carriage Driver - 001134 for exceeding the speed limit as the police officer did not have correctly calibrated equipment to do this.

The Committee were also told that on Friday 11th October 2024, Licensing Officers travelled along Norton Road on both carriageways to ascertain if there were any potholes or road defects that would account for Hackney Carriage Driver - 001134's swerving; none were present.

Finally, the Committee were advised of the record of history and complaints held on the Council system relating to Hackney Carriage Driver - 001134, relevant matters included:-

- 16th November 2004 - Moves from rank to avoid taking consumer and was abusive. Action: insufficient evidence.
- 27th June 2006 – Attitude of driver/rude to passengers. Action: written warning.
- 10th April 2012 – Mobile phone use and manner of driving. Action: written warning.
- 27th April 2012 – Manner of driving and attitude of driver. Action: written warning.
- 14th September 2015 – Allegation targeting elderly customers with Alzheimer's. Action: licensee advised.
- 16th November 2015 – Licence suspended as suffered a heart attack, stent fitted.

Mr Ali advised the Committee that Hackney Carriage Driver - 001134 stated that he was not speeding and believed that he was driving with due care and attention; Hackney Carriage Driver - 001134 felt that the police may have been speeding to catch up with him.

In relation to allegations of swerving across the road on three occasions, the Committee heard that Hackney Carriage Driver - 001134 stated that this was to avoid potholes and due to parked vehicles. Regarding allegations that he was watching a video whilst driving, Mr Ali told the Committee that Hackney Carriage Driver - 001134 did not admit to watching a news channel on the screen, however felt that the only mistake he made was that he had not turned this off. The Committee were told by Mr Ali that Hackney Carriage Driver - 001134 accepted telling the officer that this was the first time that he had done this.



In response to the Committee's questioning about him previously using a mobile telephone whilst driving, as per the letter contained within the committee papers, Hackney Carriage Driver - 001134 accepted that this complaint was made against him but denied using a mobile telephone whilst driving.

Regarding the allegation that Hackney Carriage Driver - 001134 was swerving in the road whilst driving on 28th September 2024, Mr Ali told the Committee that this was because of parked cars. The Committee heard from the Licensing Officer, who has provided a witness statement in relation to this incident, that he could confirm that Hackney Carriage Driver - 001134 swerving whilst driving was not because of parked cars. The Committee heard Mr Ali maintain, on Hackney Carriage Driver - 001134's behalf, that Hackney Carriage Driver - 001134 crossed the white line whilst driving to avoid an impact with parked vehicles.

Mr Ali further maintained, on Hackney Carriage Driver - 001134's behalf, that Hackney Carriage Driver - 001134 only played the news video whilst parked at the rank, and at no time was this playing whilst Hackney Carriage Driver - 001134 was driving. Regarding the written warning for using a mobile telephone whilst driving, Mr Ali advised the Committee that Hackney Carriage Driver - 001134 had forgotten this due to the passage of time, over twelve years ago.

Mr Ali submitted to the Committee on Hackney Carriage Driver - 001134's behalf that he made a mistake in that the screen was on and was not playing whilst he was driving, and that this was an error of judgement on Hackney Carriage Driver - 001134's part. The Licensing Officer clarified, in response to the Committee's questioning on this point, that it was illegal for drivers to use any handheld device whilst driving, even if they were licenced drivers accepting work using an application on a mobile device (hands-free devices can be used legally). The Committee noted that Mr Ali disputed this point and stated that all taxi drivers do this.

In relation to Hackney Carriage Driver - 001134's other driver history, Mr Ali advised the Committee that these were minor allegations and not worthy of note.

The Committee was given an opportunity to ask questions of Hackney Carriage Driver - 001134, with Mr Ali speaking last.

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

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

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

In relation to using a mobile telephone whilst driving on 28th September 2024, the Committee considered that the police officer present, acting Sergeant Carter, issued Hackney Carriage Driver - 001134 a ticket for this offence. Although the Committee noted that Hackney Carriage Driver - 001134 denied that he committed any offence, the Committee gave weight to the fact that the police officer who witnessed Hackney Carriage Driver - 001134's driving issued him with a ticket. The Committee found the Licensing Officers evidence in relation to this matter to be credible and they added weight to this.

The Committee understood that Hackney Carriage Driver - 001134 told the police and licensing officers at the time that he had never used a mobile telephone whilst driving, however, the Committee noted that Hackney Carriage Driver - 001134 previously received a written warning for this in 2012.

The Committee appreciated that the police took no separate action against Hackney Carriage Driver - 001134 in relation to him allegedly exceeding the speed limit on 28th September 2024, as described in the Licensing Officers witness statement. The Committee found the Licensing Officers evidence to be reliable; on the balance of probabilities the Committee believed that it was more likely than not that this had occurred. In contrast, the Committee found Hackney Carriage Driver - 001134's response in relation to this matter to be disingenuous and defensive.

The Committee members took into consideration that Hackney Carriage Driver - 001134 appeared to be very assertive in response to licensing officers' questioning during interview, and at the hearing in response to the Committee's questioning about the matters before them. The Committee found it hard to accept Hackney Carriage Driver - 001134's version of events in relation to the 28th September 2024. The Committee's doubt in relation to these matters were compounded by Hackney Carriage Driver - 001134's dubious explanations in relation to when he had played the video, and that his version of events appeared to change when interviewed by licensing officers.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with Hackney Carriage Driver - 001134 due to his manner of driving, as witnessed by police and Licensing Officers on 28th September 2024, and his attitude in response to questioning about this matter. The Committee felt that this was compounded by Hackney Carriage Driver - 001134's concerning history as a licenced driver, as set out above, and his disingenuous attitude when he appeared before the Committee.

The Committee noted that Hackney Carriage Driver - 001134 had received written warnings in the past in relation to his attitude, mobile telephone use and manner of driving, both in 2006 and 2012.

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

"One must it seems to me approach this case bearing in mind the objectives of this licensing regime which is plainly intended among other things to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate

experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.”

Lord Bingham’s view has since been confirmed in two further court cases; *Anwar v Cherwell District Council and Leeds Council v Hussain*.” In the Committee’s view, the circumstances that had led to revocation being proposed meant that they could not ensure as far as possible that Hackney Carriage Driver - 001134 was a safe and honest driver. The Committee noted that holding a licence was a privilege and not a right.

Ultimately, the Committee did not believe that Hackney Carriage Driver - 001134 was a fit and proper person to hold a hackney carriage drivers’ licence. The Committee were satisfied that Hackney Carriage Driver - 001134’s licence should therefore be revoked.

RESOLVED that Hackney Carriage Driver - 001134 have his Hackney Carriage Drivers licence revoked for the reasons as detailed above.

#### **GLC/28/24 Private Hire Driver Application – 157996**

Members were asked to consider a Private Hire Driver application from Applicant – 157996 who had relevant convictions and did not meet current transport policy.

Applicant – 157996 did not attend the meeting due to illness which he had confirmed to Licensing Officers and requested that the Committee consider his application at a future meeting of the General Licensing Committee.

A vote took place and the item was deferred.

RESOLVED that Applicant – 157996’s application be deferred to a future meeting of the General Licensing Committee.

#### **GLC/29/24 Private Hire Driver Application– 143184**

Members were asked to consider a Private Hire Driver application from Applicant – 143184 who was previously refused by this authority in 2017 and had relevant convictions which meant he currently did not meet Transport Policy.

Applicant - 143184 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 – 143184’s application which contained a DVLA check code, showing no live endorsements.
- A copy of a refusal letter to Applicant – 143184 in 2017.
- A copy of a summary transcript of an interview with Applicant – 143184 and Licensing Officers.

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

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

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

The Committee heard that Applicant – 143184 had previously applied to the Council for a licence on the 18th January 2017, which was refused due to two convictions for possession of drugs. The Committee were told that Applicant – 143184's historical convictions from that time as detailed in the refusal letter now complied with the requirements of the Council's Private Hire and Hackney Carriage Licensing Policy 2021 – 2026 ("the Policy").

The Committee heard that Applicant – 143184's two previous convictions for possession of a class A drug, cocaine, on 1st September 2011 and 6th June 2012 did not meet the requirements of the Policy, which stated that a licence would normally be refused if an applicant had more than one conviction for drugs related offences.

The Committee were told that when interviewed by licensing officers on 16th September 2024, and asked about these convictions, Applicant – 143184 said that in relation to the conviction when he was found to be in possession of cocaine on 1st September 2011, he was stopped by police on Durham Road, and stated that an acquaintance had given him the cocaine to try.

The Committee were also advised that in relation to the conviction for possession of cocaine on 6th June 2012, Applicant – 143184 had advised officers that the circumstances were that he was removed from a premises due to his argumentative behaviour, and subsequently arrested for being drunk and disorderly. The Committee were told that Applicant – 143184 had recalled that during a search conducted by the police, he was found to be in possession of cocaine. Applicant – 143184 told officers during interview that he woke up in a police station and was informed that cocaine was found in his possession.

The Committee heard that when asked if he still took drugs, Applicant – 143184 denied this; however, he did disclose during interview that he had previously experimented with cocaine in 2009 but asserted that he no longer used the substance.

The Committee were told that when Applicant – 143184 was asked if he felt that he was a fit and proper person to hold a licence, he stated that he believed that he was, due to him previously working with the public and currently being employed where he dealt with vulnerable people, and not had any issues or complaints.

In response to the Committee's questioning, Applicant – 143184 told the Committee that he believed that he was a fit and proper person as he had previously worked as a door supervisor, where he looked after drunk, vulnerable people, dealt with fights, assisted the police to detain suspects.

Applicant – 143184 told the Committee that he now worked as a senior engineer, working where there were children, and always helped people. The Committee heard from Applicant – 143184 that he no longer drank alcohol.

The Committee was given an opportunity to ask questions of Applicant – 143184, with Applicant – 143184 speaking last.

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 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 G of the Policy; "A licence will normally be refused if an applicant has more than one conviction for drugs related offences."

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with Applicant – 143184 due to his previous convictions for possession of a class A drug, cocaine, on 1st September 2011 and 6th June 2012. The Committee did not feel that there were any exceptional reasons before them to depart from the Policy.

The Committee did not believe that Applicant – 143184 was a fit and proper person to hold a private hire vehicle drivers licence. The Committee were unanimously satisfied that Applicant – 143184's application should therefore be refused.

**RESOLVED** that Applicant – 143184's application for a Private Hire Driver's licence be refused for the reasons as detailed above.