

General Licensing Committee

A meeting of General Licensing Committee was held on Wednesday 23rd April 2025.

Present: 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 Lynn Hall (Sub for 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 and Leanne Maloney-Kelly (DoAH&W)

Also in attendance: Driver 001106, David Wilson (Driver 001106) and Witness

Apologies: Cllr Jason French

GLC/1/25 Evacuation Procedure

The evacuation procedure was noted.

GLC/2/25 Declarations of Interest

There were no declarations of interest.

GLC/3/25 Delegated Decisions Update Report

Members asked to consider and note the Delegated Decisions Update report which provided details of the decisions officers had made utilising delegated powers given to officers by the Licensing Committee.

The main topics discussed were as follows:

Since the last update several delegated decisions have been made and include:

- 3 Revocations for failing to provide policy required documents
- 4 Revocations / refusals for failure to meet DVLA group 2 medical standards
- 9 Revocations following police disclosure
- 3 Refusal to depart from policy on vehicle specifications
- 1 Revocation following a positive oral fluid drug sample

It was highlighted that the Licensing Service had carried out fluid drug screening on licensed private hire and hackney carriage drivers. During this reporting period 43 screening tests had been carried out and of those tested one screen returned a positive lab result, which contained THC (cannabis). The driver who tested positive had his renewal application refused via the delegated decision process.

A brief discussion was had regarding drivers requests to reduce the number of taxi plates on vehicles; however a decision was made to not depart from current policy , therefore drivers would continue to display 4 plates on their vehicles whilst licensed with this authority .

AGREED that the report be noted.

GLC/4/25 Exclusion of the Public

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

GLC/5/25 Combined Hackney Carriage and Private Hire Driver – 001106

Members were asked to consider and determine the continued fitness of combined hackney carriage and private hire driver – 001106 who had provided a DVLA check code with his licence renewal application, showing 10 live points. In addition, a complaint had been received regarding combined hackney carriage and private hire driver – 001106's manner of driving following a road traffic collision.

Combined hackney carriage and private hire driver – 001106 attended the meeting with his representative David Wilson and were given the opportunity to make representation.

A witness also 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 combined hackney carriage and private hire driver – 001106's renewal application including the DVLA check code
- A copy of a statement from the complainant stating combined hackney carriage and private hire driver – 001106 was not paying attention on the road whilst driving his taxi as he was looking at his phone / device.
- A copy of a screen shot showing the location of the collision combined hackney carriage and private hire driver – 001106 was involved in.
- A copy of an interview transcript between combined hackney carriage and private hire driver – 001106 and licensing officers.
- Details of combined hackney carriage and private hire driver – 001106's history which detailed the following
 - A poor driving record
 - DVLA penalty points
 - Non-notification to the licensing service of DVLA penalty points as per licence conditions
 - Disqualification from driving due to totting up process
 - Appealing disqualification from driving
 - Alleging not receiving correspondence from court

- Alleging being out of the country on court dates

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

The Committee understood that the matter before them was to determine an application to renew a combined hackney carriage and private hire vehicle driver licence that expired on 31st March 2025, as detailed in the Committee report and appendices.

The Committee heard that combined hackney carriage and private hire driver – 001106 had been a licensed driver since 2016 and was also previously licensed with this authority from before 2004 until 2014.

The Committee noted that when combined hackney carriage and private hire driver – 001106 submitted his renewal application on 4th March 2025, his DVLA check code presented ten live DVLA penalty points. The Committee heard that six of these points related to an MS90 offence; failure to give information as to the identity of the driver; offence date 11th June 2024 and conviction date 27th November 2024.

The Committee were told that the four further penalty points related to a SP30 offence: exceeding the statutory speed limit of thirty miles per hour on a public road, offence date 19th October 2023, conviction date 19th June 2024.

The Committee heard that on 4th March 2025, a complaint was received from a member of the public who stated he had been involved in a collision with vehicle registration number GM19 FDO, private hire vehicle number 2406. The complainant stated that he was involved in a collision at 16:30 hours the previous day, on Crooks Barn Lane in Norton.

The Licensing Officer informed the Committee that the complainant stated that combined hackney carriage and private hire driver – 001106 was not paying attention to the road as he was looking at his mobile telephone.

The Committee heard that when combined hackney carriage and private hire driver – 001106 was interviewed by officers in relation to the collision, he claimed that he was coming around the corner, in his lane, and that the other driver came onto his lane, causing combined hackney carriage and private hire driver – 001106's vehicle to hit the other vehicle.

The Committee heard that combined hackney carriage and private hire driver – 001106 disagreed that he caused the collision, and maintained that the complainant came into his lane, that the complainant could not control his vehicle and that the complainant was driving at speed.

The Committee were told that when combined hackney carriage and private hire driver – 001106 was asked if he became distracted as he was travelling around the corner, combined hackney carriage and private hire driver – 001106 denied being distracted but did admit to looking at his device to ascertain from the data received where he needed to go.

The Committee heard that when questioned in relation to his ten live DVLA points, combined hackney carriage and private hire driver – 001106 gave the following responses:-

- Four points for exceeding the statutory speed limit on a public road in October 2023 – combined hackney carriage and private hire driver – 001106 admitted to the offence and stated that he had personal family problems at the time and was living at a different address at that time and therefore did not receive any correspondence about the offence. Combined hackney carriage and private hire driver – 001106 also told officers that he had missed the court date in relation to the matter as he was abroad and confirmed that he had appealed the conviction and was awaiting a hearing date.
- Six points for failing to give information as to the identity of the driver in June 2024 – combined hackney carriage and private hire driver – 001106 told officers that he did not receive any correspondence, and that he was waiting a court hearing date to appeal this conviction.

The Committee heard that when combined hackney carriage and private hire driver – 001106 was asked why he did not declare his conviction from June 2024, he stated that he thought his friend had declared this on his behalf; licensing officers confirmed that this offence was not declared.

The Committee were told that when combined hackney carriage and private hire driver – 001106's history of totting up DVLA penalty points and failing to declare convictions was put to him during his interview, he stated that this was a long time ago, but he believed that he did everything that he was required to do.

The Committee heard that combined hackney carriage and private hire driver – 001106 told officers that he did not recall being convicted of driving without due care and attention.

The Committee were told that in relation to combined hackney carriage and private hire driver – 001106's disqualification from driving in 2019, he stated during interview that he was out of the country when he received the penalty points, and that this conviction was subsequently overturned by the courts.

In relation to the complaint regarding the collision on 3rd March 2025, the Committee heard oral evidence from the complainant, who confirmed that he was driving with a friend in the vehicle, who was directing him as he was not familiar with the Crooksbarrow area. The Committee heard from the complainant that he was driving along Curlew Lane, saw combined hackney carriage and private hire driver – 001106 driving his taxi around the corner, clearly distracted, and despite combined hackney carriage and private hire driver – 001106 attempting to swerve, he collided with the side of the complainant's vehicle.

The complainant explained to the Committee that he was trapped inside his vehicle due to the damage it had sustained during the collision. The Committee heard from the complainant that at the time combined hackney carriage and private hire driver – 001106 was apologetic and accepted that the collision was his fault, and the complainant was taken to hospital by an ambulance. The complainant told the Committee that combined hackney carriage and private hire driver – 001106 subsequently denied that the collision was his fault. The complainant told the Committee that he was not exceeding the speed limit, and that combined hackney

carriage and private hire driver – 001106 was clearly distracted at the time of the collision.

In response to questions from the Committee, the complainant stated that combined hackney carriage and private hire driver – 001106 was clearly looking downwards as he turned the corner, appearing distracted by what the complainant believes could only have been a mobile device as he saw combined hackney carriage and private hire driver – 001106 pressing something, possibly a map. The complainant stated to the Committee that he had a clear view of combined hackney carriage and private hire driver – 001106. The Committee were told that the police were not involved, and the matter was being dealt with by insurance companies, which was ongoing. The complainant was clear, in response to the Committee's questions that combined hackney carriage and private hire driver – 001106's car struck his car. The Committee carefully considered photographs provided of the collision site and road layout.

The Committee, combined hackney carriage and private hire driver – 001106, and his representative, Mr Wilson, were given an opportunity to ask questions of the Licensing Officer and the complainant.

Mr Wilson presented the case on behalf of combined hackney carriage and private hire driver – 001106.

The Committee heard from Mr Wilson that his client stated that he was not distracted in any way, was turning left at the junction where the complainant was turning right; both drivers deny any fault.

Mr Wilson submitted to the Committee that in his view, it was more likely that the complainant, as a driver that was unfamiliar with the area, and being directed by a friend, may have "cut the corner", and that because of the layout of the angular junction, combined hackney carriage and private hire driver – 001106 may have been further out into the road as the bend was not a sweeping curve.

Mr Wilson told the Committee that the vehicles colliding may have been a quirk of timing and fate in terms of which vehicle struck the other. The Committee heard from Mr Wilson that combined hackney carriage and private hire driver – 001106 accepted that his vehicle struck the complainant's vehicle. Mr Wilson submitted to the Committee that the junction in question was wide, which invited drivers to cut the corner, whilst drivers travelling in the other direction may take the corner too widely. Mr Wilson told the Committee that in his view, the photographs provided did not depict this. The Committee heard from Mr Wilson that combined hackney carriage and private hire driver – 001106 stated that he did not use a device and did not, at any time, admit that he was responsible for the collision.

The Committee heard from the complainant that he did not understand how Mr Wilson could suggest that he may have cut the corner when his vehicle did not get as far as the corner before the collision, and that he was not turning at the time. Mr Wilson submitted to the Committee, that in his view, there is no clear evidence either way.

The complainant left the hearing once the discussions in relation to the collision had concluded. The Licensing Officer read the remainder of the report before the Committee once the complainant had left the hearing. Mr Wilson then recommenced submissions on behalf of combined hackney carriage and private hire driver – 001106 in relation to the other matters before the Committee.

Mr Wilson told the Committee that in relation to combined hackney carriage and private hire driver – 001106 receiving six points for failing to provide driver details, the papers that they had submitted before the Committee today confirmed that the Court had accepted a statutory declaration from combined hackney carriage and private hire driver – 001106 in this regard, and that the conviction had been set aside and the endorsements removed. Mr Wilson told the Committee that there was now a summons date of 22nd May 2025, for the two offences to be heard in Court.

The Committee heard from Mr Wilson that in relation to the speeding offence, despite combined hackney carriage and private hire driver – 001106 stating that he did not receive the court papers, he did admit speeding and would plead guilty to that charge. Mr Wilson stated that he was hopeful that combined hackney carriage and private hire driver – 001106 would not be convicted of the other matter before the Court. Mr Wilson explained that for combined hackney carriage and private hire driver – 001106, this matter was about the penalty he received rather than disputing his guilt, as combined hackney carriage and private hire driver – 001106 received four penalty points for the matter, when Mr Wilson would have expected him to receive three.

Mr Wilson submitted to the Committee that combined hackney carriage and private hire driver – 001106 was candid in interview and accepted that in the course of driving he had made mistakes over the years. The Committee heard from Mr Wilson that combined hackney carriage and private hire driver – 001106 admitted two speeding offences, however, denied the offence of not providing driver details and denied any fault in relation to the collision in March 2025.

The Licensing Team Leader clarified before the Committee that in relation to the speeding offence on 6th May 2024, the licensing authority were not notified of this offence. Mr Wilson confirmed that combined hackney carriage and private hire driver – 001106 would plead guilty to this offence, but that combined hackney carriage and private hire driver – 001106 could not notify the licensing authority of matters that he was not aware of as he had not received any paperwork. Mr Wilson confirmed before the Committee that combined hackney carriage and private hire driver – 001106 accepted that he had committed two speeding offences within 7 months.

In response to a question from the Committee about the likely maximum penalty points that combined hackney carriage and private hire driver – 001106 was likely to receive, Mr Wilson stated that he expected to have seven penalty points or more in total once matters had concluded. Mr Wilson reiterated to the Committee that they could be certain that combined hackney carriage and private hire driver – 001106 accepted his guilt for two speeding offences.

In response to the Committee's questioning in relation to failing to report matters, or late reporting of matters by combined hackney carriage and private hire driver – 001106, Mr Wilson stated that it would have been impossible for his client to notify the licensing authority of matters that he was not aware of at the time. Mr Wilson did, however, accept before the Committee that combined hackney carriage and private hire driver – 001106 did fail to report matters or reported them late in the past.

Mr Wilson told the Committee that combined hackney carriage and private hire driver – 001106's written English was poor and that his ICT skills were poorer, however accepted that combined hackney carriage and private hire driver – 001106 should have notified the licensing authority of matters that he was aware of.

Mr Wilson was invited to speak last on behalf of combined hackney carriage and private hire driver – 001106 was invited to speak 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 and written submissions made by Mr Wilson on combined hackney carriage and private hire driver – 001106's behalf.

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 combined hackney carriage and private hire driver – 001106's history, plus how he appeared to dispute matters repeatedly, raised concerns about combined hackney carriage and private hire driver – 001106's attitude and his repeated non-compliance with regulatory requirements. The Committee noted that combined hackney carriage and private hire driver – 001106 did not appear to offer any mitigation in relation to the speeding offences that he accepted guilt for; he appeared to suggest that such errors were a 'fait accompli' for anyone driving for a number of years.

The Committee considered the evidence of the complainant, who they found to be credible and honest. The Committee noted that on the balance of probabilities, they found the complainant's account of the circumstances of the collision to be more plausible than the submissions made by Mr Wilson on combined hackney carriage and private hire driver – 001106's behalf.

Members were not persuaded that combined hackney carriage and private hire driver – 001106 was a fit and proper person, as they found that they had too many doubts in relation to the matters of concern before them. The Committee further noted that combined hackney carriage and private hire driver – 001106 had received three warnings in the past, which did not appear to have had the desired effect.

The Committee Members were not satisfied that they would allow people for whom they care to enter a vehicle with combined hackney carriage and private hire driver – 001106 due to their doubts surrounding his history of driving related incidents and offences. The Committee noted that holding a licence is a privilege and not a right.

The Committee considered the Local Government Association Councillor Handbook: Taxi and PHV Licensing.

Ultimately, the Committee did not believe that combined hackney carriage and private hire driver – 001106 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 combined hackney carriage and private hire driver – 001106's application should be refused.

RESOLVED that combined hackney carriage and private hire driver – 001106's renewal application for a combined hackney carriage and private hire driver licence be refused for the reasons as detailed above.

Chair: