

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: