

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hire driver licence from Applicant - 158251 who had previously held a combined licence with this authority, and which was revoked by this Licensing Committee.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: