

## **General Licensing Committee**

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

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

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

**Also in attendance:** Applicant – 153917 and Applicant – 158743

**Apologies:** Cllr Clare Besford and Cllr Jason French

### **GLC/51/24 Evacuation Procedure**

The evacuation procedure was noted.

### **GLC/52/24 Declarations of Interest**

There were no declarations of interest.

### **GLC/53/24 Exclusion of the Public**

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

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

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

Applicant - 086879 attended the meeting and was given the opportunity to make representation.

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

The report detailed the following:

- A copy of the application, including a DVLA check code and current full licence with no DVLA endorsements.

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

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

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

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

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

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

The holding of a licence was a privilege, not a right, and conduct that may bring this Council into disrepute would likely see further formal action in regard to Applicant – 153917's licence and this could include revocation.

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

safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

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

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

#### **GLC/55/24 Private Hire Driver Application – 158743**

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

Applicant - 158743 attended the meeting and was given the opportunity to make representation.

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

The report detailed the following:

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

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

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

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

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

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

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

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

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

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

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

The Committee noted that under section 51 Local Government (Miscellaneous Provisions) Act 1976, the Committee shall not grant a driver's licence unless they are satisfied that the applicant is a fit and proper person. When determining this matter, the Committee considered this application on its merits.

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

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

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

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

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

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

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

Chair: .....