

## GENERAL LICENSING COMMITTEE

A meeting of General Licensing Committee was held on Wednesday 20 September 2023.

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

**Officers:** Rachel Harrison, Natalie Hodgson (DoCS), Elliott Beevers and Leanne Maloney-Kelly (DoAH&W).

**Also in attendance:** Applicant 155375

**Apologies:** Cllr Clare Gamble and Cllr Susan Scott.

### **GLC/17/23 Evacuation Procedure**

The evacuation procedure was noted.

### **GLC/18/23 Declarations of Interest**

There were no declarations of interest.

### **GLC/19/23 Minutes of the General Licensing Committee which was held 4 July 2023**

Consideration was given to the General Licensing Committee minutes from the meeting which was held on 4 July 2023 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

### **GLC/20/23 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/21/23 Combined Hackney Carriage and Private Hire Driver Application 155375 report**

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence, from Applicant- 155375 who had a relevant conviction, meaning he did not meet current Transport Policy.

Applicant - 155375 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 containing a DVLA check code, showing no live DVLA endorsements, is attached as Appendix 1

. a copy of a summary transcript of an interview with Applicant 155375 and Licensing Officers

. a copy of two references in support of Applicants 155375's application.

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 licence to drive private hire and hackney carriage vehicles.

The Committee heard that Applicant 155375 DBS check confirmed that he had been convicted on 6th September 2016 of:-

- 'Possession with intent to supply a controlled drug' (Class B – Cannabis).

The Committee were informed that Applicant 155375 was sentenced to a six-month imprisonment sentence wholly suspended for 18 months, was ordered to undertake 120 hours of unpaid work, and also ordered to pay a victim surcharge of £80.00. The Committee heard that Applicant 155375 was forced to forfeit all drugs and cash seized for destruction.

The Committee heard that Applicant 155375 was interviewed by officers on Friday 21 July 2023, and was asked about the circumstances of his offending. Applicant 155375 had told officers that he was working as a delivery driver and was leaving the takeaway he worked at, when one of his friends got into his vehicle. The Committee were told that Applicant 155375 said that when he came out of the takeaway, having picked up the next food delivery, he saw his friend was being arrested by police who had found drugs within his vehicle.

The Committee heard that Applicant 155375 advised officers that when the Police searched his vehicle, they found a few grams of cannabis, which Applicant 155375 stated was his 'personal smoke'.

The Committee were also told that Applicant 155375 advised officers in interview that he was given a court date, which he missed, and subsequently handed himself in to the police, and was sent from the Magistrates' Court to the Crown Court where he received his sentence.

The Committee noted that a drugs test was carried out with Applicant 155375 which tests for six illegal substances. Applicant 155375 provided a negative sample.

The Committee heard that Applicant 155375 did not meet the Council's current Policy as 10 years had not elapsed since the completion of the sentence imposed in 2016.

Applicant 155375 explained to the Committee that his motivation for applying to be licenced by Stockton-on-Tees Borough Council was to be able to get a 'proper job' in order to support his family financially.

In response to the Committee's questioning in relation to the likelihood of Applicant 155375 re-offending, considering that he had admitted using cannabis and working as a delivery driver, Applicant 155375 explained that he had begun smoking cannabis a month or two before his arrest, and that he had stopped this after his arrest and subsequent conviction.

The Committee questioned Applicant 155375 about his explanation to officers during interview of the Court process which led to his conviction. The Committee asked if Applicant 155375 had entered a guilty or not guilty plea in the Magistrates' Court, if he had elected to be sentenced at the Crown Court, or if he was convicted following a trial. The Committee heard from Applicant 155375 that he was confused, and that he did not understand why the matter was dealt with in the Crown Court.

The Committee was given an opportunity to ask questions of Applicant 155375, with Applicant 155375 speaking last. In summing up, Applicant 155375 stated that the cash seized by police was money that he had received within his work as a delivery driver, and denied that this was 'drug money', despite his conviction for possession with intent to supply cannabis.

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 155375 in response to the Committee's questions.

Having carefully considered the written application and 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").

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

The Committee considered Appendix D of the Policy, specifically the provisions that a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed for drugs related offences.

The Committee noted that ten years had not elapsed since Applicant 155375's conviction for drug related offences in 2016. The Committee accepted that the applicant therefore does not meet the Council's Policy.

The Committee considered the two-character references which were provided by family members in support of Applicant 155375's application:-

- Reference 1 (no address provided) – stated that Applicant 155375 was married to his cousin.

- Reference 2 (no address provided) – stated that Applicant 155375 was married to his niece.

The Committee felt that they could not add weight to either of these character references, as they were provided by family members who were unlikely to be objective. The Committee noted that independent references would have been more appropriate.

The Committee members took into consideration that Applicant 155375 appeared to minimise the offending that led to his conviction. The Committee found it hard to accept that Applicant 155375 was convicted of possession with intent to supply cannabis for simply having a small amount of cannabis and cash that he had received within his work as a delivery driver, as per Applicant 155375's submissions to the Committee.

The Committee felt on the balance of probabilities that there was additional information surrounding the circumstances of Applicant 155375 arrest and subsequent conviction that they were not privy to, however unfortunately the Committee had not received any further details from police. The Committee noted that Applicant 155375 had not provided any further details to assist the Committee in this regard, and when questioned on this point, Applicant 155375 was vague in his responses.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with the applicant alone due to their doubts surrounding his previous conviction for supplying drugs.

Ultimately, the Committee did not believe that Applicant 155375 was a fit and proper person to hold a combined hackney carriage and private hire vehicle drivers licence owing to his previous conviction for drugs offences, along with his vague responses to the Committee when questioned about the circumstances of his arrest and subsequent conviction. The Committee were unanimously satisfied that the application should therefore be refused.

RESOLVED that Applicant – 155375's, application for a Combined Hackney Carriage and Private Hire Drivers Licence be refused for the reasons as detailed above.