

GENERAL LICENSING COMMITTEE

A meeting of General Licensing Committee was held on Tuesday 5 December 2023.

Present: Cllr Eileen Johnson (Chair), Cllr Diane Clarke OBE, Cllr Robert Cook, Cllr Jason French, Cllr Clare Gamble, Cllr Andrew Sherris, Cllr Marilyn Surtees and Cllr Hilary Vickers.

Officers: Natalie Hodgson, Sarah Whaley, Elliott Beevers, Leanne Maloney-Kelly (DoAH&W) and Amy Stephenson (DoAH&W).

Also in attendance: Driver 103792 and 001336 and Applicant, 156401

Apologies: Cllr Mick Moore (Vice-Chair), Cllr Marc Besford, Cllr Elsi Hampton, Cllr Mrs Ann McCoy and Cllr Hugo Stratton.

GLC/26/23 Evacuation Procedure

The Evacuation Procedure was noted.

GLC/27/23 Declarations of Interest

Cllr Hilary Vickers informed that Committee that she personally knew Private Hire Driver Application - 156401. In the interests of openness and transparency Cllr Vickers left the meeting and did not take part in any discussion or vote on the item.

GLC/28/23 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/29/23 Combined Hackney Carriage and Private Hire Driver – 103792

Members were asked to consider and determine the continued fitness of Combined Private Hire and Hackney Carriage Driver – 103792 who was previously under investigation by North East Regional Organised Crime Unit (NEROCU) and was currently suspended from driving licensed vehicles.

Combined Private Hire and Hackney Carriage Driver – 103792 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 a disclosure detailing the arrest of Combined Private Hire and Hackney Carriage Driver – 103792 for the alleged drugs offences.

. A copy of an Officer delegated decision and suspension letter relating to Combined Private Hire and Hackney Carriage Driver – 103792.

. A copy of an updated disclosure from Cleveland Police.

. A copy of an interview plan with planned questions for Combined Private Hire and Hackney Carriage Driver – 103792, and a copy of the summary transcript during interview with Combined Private Hire and Hackney Carriage Driver – 103792.

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

Members of the Council's General Licensing Committee considered all of the information before them, full details of which appeared before the Members in their agenda and background papers.

The Committee understood that the matter before them was to determine the continued fitness of Combined Private Hire and Hackney Carriage Driver – 103792 as detailed within the Officers Committee report.

The Committee heard that the disclosure from Cleveland Police confirmed that Combined Private Hire and Hackney Carriage Driver – 103792 was arrested by police on 26th July 2022, for the alleged offences of:-

- 2 x 'Produce controlled drug – class B – cannabis'; and
- 'Facilitate the acquisition/acquire/possess criminal property'; and
- 'Participate in the criminal activities of an on organised crime group'.

The Committee were told that it was alleged that Combined Private Hire and Hackney Carriage Driver – 103792 was involved in the production of cannabis, was suspected to have assisted Albanian organised crime groups to send money out of the UK and booking flights for Albanian's using false identification.

The Committee heard that due to the seriousness of the allegations, Combined Private Hire and Hackney Carriage Driver – 103792's drivers' licence was suspended on 23rd August 2022. Combined Private Hire and Hackney Carriage Driver – 103792 appealed this decision to the Magistrates' Court. The Committee were advised that the appeal was determined on the 6th January 2023; Combined Private Hire and Hackney Carriage Driver – 103792's appeal was unsuccessful.

The Committee were told that on 9th November 2023, an update was received confirming that the North East Regional Organised Crime Unit (NEROCU) were not taking any further action against Combined Private Hire and Hackney Carriage Driver – 103792 in relation to the matters for which he was arrested.

The Committee heard that as per standard procedure, a copy of the police file was requested from NEROCU via Cleveland Police. Disclosure was received on 15 November 2023.

The Committee were advised that the disclosure received from the police stated that;

- Combined Private Hire and Hackney Carriage Driver – 103792 had used his bank card to purchase several flights for suspects involved in large scale cannabis production;
- Combined Private Hire and Hackney Carriage Driver – 103792 had transferred money abroad on behalf of suspects involved in large scale cannabis production;
- Combined Private Hire and Hackney Carriage Driver – 103792's bank account contained more turnover than his income declared to the HMRC; and
- Combined Private Hire and Hackney Carriage Driver – 103792 owned a property in Co Durham, which was identified as a cannabis farm.

The Committee heard that Combined Private Hire and Hackney Carriage Driver – 103792 denied the allegations when interviewed by the police, and subsequently when interviewed by Licensing Officers on 16 November 2023. The Committee noted that Combined Private Hire and Hackney Carriage Driver – 103792 denied any involvement in drugs offences and organised crime.

The Committee were told that when asked in interview about using his personal bank account when booking flights for customers, Combined Private Hire and Hackney Carriage Driver – 103792 explained that he had a travel agency business and this involved booking flights, arranging global money transfers and that he was providing parcel courier services. Combined Private Hire and Hackney Carriage Driver – 103792 told the Committee that this work was undertaken from his personal bank account rather than a business account because “banks do not like travel agencies and money transfer companies”.

The Committee heard that Cleveland Police Disclosure & Barring Unit confirmed that upon arrest, Combined Private Hire and Hackney Carriage Driver – 103792 declared that his occupation was “unemployed”; and that he did not declare at that time that he was a licensed driver. Combined Private Hire and Hackney Carriage Driver – 103792 told the Committee that he disputed this.

The Committee were also told of Combined Private Hire and Hackney Carriage Driver – 103792's driver history between September 2008 and March 2016, which was included within the Committee report:-

- Suspension of Combined Private Hire and Hackney Carriage Driver – 103792's licence in 2008 following his arrest for assault occasioning actual bodily harm and threats to kill. Combined Private Hire and Hackney Carriage Driver – 103792 was subsequently charged with both offences, and then found not guilty of the assault charge. The charge in relation to threats to kill were dropped. Combined Private Hire and Hackney Carriage Driver – 103792's licence suspension was lifted following this result.
- Revocation of Combined Private Hire and Hackney Carriage Driver – 103792's licence in August 2011 by the Committee due to three separate complaints relating to his manner of driving, attitude and behaviour in 2010, an arrest by police in February 2011 for breach of a harassment order and an unsatisfactory criminal record check in June 2011.

- Combined Private Hire and Hackney Carriage Driver – 103792 re-applied for a combined hackney carriage and private hire vehicle licence in June 2014, which was granted by the Committee with a written warning regarding his future conduct.
- Combined Private Hire and Hackney Carriage Driver – 103792 appeared before the Committee again in March 2016 due to him misleading/obstructing officers during an investigation.

Combined Private Hire and Hackney Carriage Driver – 103792 explained to the Committee that he was the Director of and ran a travel agency, employing one employee. The Committee heard from Combined Private Hire and Hackney Carriage Driver – 103792 that he worked as an agent for legitimate global companies, including arranging international money transfers and booking flights for customers.

Combined Private Hire and Hackney Carriage Driver – 103792 explained to the Committee that he made profits from commission received from bookings, and also by switching bookings to cheaper sources. Combined Private Hire and Hackney Carriage Driver – 103792 told the Committee that customer identification was not required when booking flights, and that it was not for him to check identification of his customers.

With regard to the property in Co Durham owned by Combined Private Hire and Hackney Carriage Driver – 103792, that was discovered to be a cannabis farm, Combined Private Hire and Hackney Carriage Driver – 103792 denied any knowledge of this to the Committee. Combined Private Hire and Hackney Carriage Driver – 103792 told the Committee that he purchased this property with family and friends as an investment, renovated the property to make it habitable, and rented it out to two separate tenants.

In response to the Committee's questioning in relation to the property, Combined Private Hire and Hackney Carriage Driver – 103792 confirmed that he did visit the property, but never smelled cannabis.

The Committee questioned Combined Private Hire and Hackney Carriage Driver – 103792 about his money transfer and travel business. The Committee asked Combined Private Hire and Hackney Carriage Driver – 103792 why his turnover was higher than his income. Combined Private Hire and Hackney Carriage Driver – 103792 explained that this was due to the way that flights were booked and then re-booked to achieve a saving. Combined Private Hire and Hackney Carriage Driver – 103792 told the Committee that he received commission at the end of each month, he then deducted his expenditure from this figure before declaring his income.

In response to the Committee's questioning in relation to money transfers, Combined Private Hire and Hackney Carriage Driver – 103792 confirmed that he did transfer large sums, approximately two thousand pounds per customer, to Albania and other countries, but assured the Committee that this was legitimate.

The Committee questioned Combined Private Hire and Hackney Carriage Driver – 103792 about the circumstances of his arrest and subsequent charge in 2008 for assault occasioning actual bodily harm and threats to kill. Combined Private Hire and Hackney Carriage Driver – 103792 said that this was a family matter, and that he could not remember any more about this.

The Committee was given an opportunity to ask questions of Combined Private Hire and Hackney Carriage Driver – 103792, with Combined Private Hire and Hackney Carriage Driver – 103792 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 driver 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 the relevant legislative provision in this case is under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976. This allows the Committee to suspend or revoke licences for "any other reasonable cause". When determining this matter, the Committee considered this matter on its merits.

The Committee appreciated that the police took no further action against Combined Private Hire and Hackney Carriage Driver – 103792 in relation to his arrest in July 2022 for the production of cannabis and involvement in organised crime. The Committee noted, however, that they must consider this matter on a lower standard of proof, on 'the balance of probabilities', rather than the criminal standard which is 'beyond reasonable doubt'.

The Committee members took into consideration that Combined Private Hire and Hackney Carriage Driver – 103792 appeared disingenuous in response to the Committee's questioning about his money transfer and travel business. The Committee found it hard to accept that Combined Private Hire and Hackney Carriage Driver – 103792, who admitted owning a property found to be a cannabis farm, and had also purchased several flights and transferred money abroad for suspects involved in large scale cannabis production, was running a legitimate business. The Committee's doubts in relation to these matters were compounded by Combined Private Hire and Hackney Carriage Driver – 103792's dubious explanation in relation to the use of his personal bank account to run his businesses rather than a business bank account; that banks do not like money transfer and travel companies.

The Committee noted that the police had confirmed that upon his arrest in 2022, Combined Private Hire and Hackney Carriage Driver – 103792 had initially declared that his occupation was "unemployed"; and that he did not declare at that time that he was a licensed driver. The Committee did not accept Combined Private Hire and Hackney Carriage Driver – 103792's claim that the police information was incorrect. The Committee noted that Combined Private Hire and Hackney Carriage Driver – 103792 did not provide any evidence to this effect.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with Combined Private Hire and Hackney Carriage Driver – 103792 due to their doubts surrounding his explanation of the circumstances that led to his arrest. The Committee felt that this was compounded by Combined Private Hire and Hackney Carriage Driver – 103792's concerning history as a licenced driver; his licence being suspended in 2008 and revoked in 2011. The Committee noted that when Combined Private Hire and Hackney Carriage Driver – 103792's current licence was granted in 2014, it included a written warning regarding his future conduct.

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 Council v Hussain*.” 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 Combined Private Hire and Hackney Carriage Driver – 103792 was a safe and honest driver. The Committee noted that holding a licence was a privilege and not a right.

Ultimately, the Committee did not believe that Combined Private Hire and Hackney Carriage Driver – 103792 was a fit and proper person to hold a combined hackney carriage and private hire vehicle drivers’ licence. The Committee were unanimously satisfied that the suspension on Combined Private Hire and Hackney Carriage Driver – 103792’s licence should be lifted and under the provisions of section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 Combined Private Hire and Hackney Carriage Driver – 103792’s combined driver licence be revoked.

The Committee deemed this matter as extremely serious, and it was therefore deemed Combined Private Hire and Hackney Carriage Driver – 103792 may pose a safety risk to passengers and the wider public, therefore under the provisions of section 61(2b) and in the interest of public safety, the revocation would have immediate effect, and Combined Private Hire and Hackney Carriage Driver – 103792 was immediately no longer authorised to drive such vehicles.

RESOLVED that Combined Private Hire and Hackney Carriage Driver – 103792’s vehicle drivers’ licence be revoked immediately for the reasons as detailed above.

GLC/30/23 Hackney Carriage Driver – 001336

Members were asked to consider and determine the continued fitness of Hackney Carriage Driver – 001336 who had received a relevant complaint from a member of the public.

Hackney Carriage Driver – 001336 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 complainants detailed account of the witnessed incident.

. A copy of a delegated decision and suspension letter relating to Hackney Carriage Driver – 001336.

. A copy of a summary transcript of an interview with Hackney Carriage Driver – 001336 and Licensing Officers detailing the complaint against him and his full explanation of the alleged incident.

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

Members of the Council's General Licensing Committee considered all of the information before them, full details of which appeared before the Members in their agenda and background papers.

Members heard that on 18th October 2023 the Licensing Office received a complaint in relation to Hackney Carriage Driver – 001336. The complainant stated they had just seen Hackney Carriage Driver – 001336 assault a female at Thornaby Train Station, and it appeared Hackney Carriage Driver – 001336 was pulling at a female's clothing while she was trying to get out of Hackney Carriage Driver – 001336's vehicle. The complainant thought that the female was waiting for her friend to come and pay the fare for the journey.

Following the complaint an investigation into the matter commenced and a detailed account of the incident was obtained from the complainant alongside a video showing Hackney Carriage Driver – 001336 following the female after she got out of Hackney Carriage Driver – 001336's car and where Hackney Carriage Driver – 001336 was calling her names.

Due to this evidence Hackney Carriage Driver – 001336's licence to drive Hackney Carriage Vehicles was suspended on 23rd October 2023 in the interest of Public Safety via the Delegated Decision process.

Further enquires were undertaken such as requesting CCTV from Thornaby Train Station, and Hackney Carriage Driver – 001336 was formally interviewed in relation to the matter on 22nd November 2023. During the interview Hackney Carriage Driver – 001336 was asked a number of questions and gave his account of what happened during the incident.

Hackney Carriage Driver – 001336 admitted to attempting to take the female to the police station, insulting her when she left the car, holding onto the female while the car was moving and driving an excessive distance with the door open in the car park. Hackney Carriage Driver – 001336 denied hitting or assaulting the female. Hackney Carriage Driver – 001336 explained that he waited for the female's friend to come and pay the fare and quickly realised no one was coming. Hackney Carriage Driver – 001336 then turned his vehicle around in the car park and advised the female that he was taking her to the police station, at this point the female opened the door while the car was moving and tried to escape, and Hackney Carriage Driver – 001336 held onto her during this. Hackney Carriage Driver – 001336 then stopped outside the station building where the female got out of the vehicle after Hackney Carriage Driver – 001336 was trying to prevent her from doing so. At the end of the interview, Hackney Carriage Driver – 001336 was asked about his view on the situation which Hackney Carriage Driver – 001336 explained that he would not want to go through any of that again.

Hackney Carriage Driver – 001336 explained at the time his mind was all over the place and everything happened so quickly. Hackney Carriage Driver – 001336 was finally asked if he believed he remained a fit and proper person to hold a licence. Hackney Carriage Driver – 001336 believed he was and that he had been doing this job for forty years, had a good disciplinary record and had also worked on school runs.

Due to the severity of the complaint, it was decided that the matter should be taken in front of the General Licensing Committee. The report was heard on 5th December 2023 and Licensing Officers presented the report to the committee members. Members had the opportunity to ask questions of Officers and Hackney Carriage Driver – 001336.

Following Hackney Carriage Driver – 001336's account of the incident to the Committee, the Committee determined to lift the licence suspension and to accept Hackney Carriage Driver – 001336 renewal application, however, this was with a warning to Hackney Carriage Driver – 001336 that public safety was paramount and Hackney Carriage Driver – 001336 must not act in the way which he did during the reported incident again.

Any further complaints of a similar nature may call in to question Hackney Carriage Driver – 001336 fitness to hold a licence and result in Hackney Carriage Driver – 001336 appearing in front of the Licensing Committee again. The overriding consideration was the safety of the public.

RESOLVED that Hackney Carriage Driver – 001336's suspended hackney carriage vehicle licence be lifted, and a renewal application be processed for the reasons as detailed above.

GLC/31/23 Combined Hackney Carriage and Private Hire Driver Application – 156212

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence from an applicant who had previously had a driver licence revoked by another Local Authority.

Applicant – 156212 did not attend the meeting.

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

The report detailed the following:

- . A copy of Applicant – 156212's application which contained a DVLA check code, showing no live DVLA endorsements.
- . A copy of a revocation letter to Applicant – 156212 from Redcar and Cleveland Borough Councils Licensing Team revoking his licence.
- . A summary transcript of an interview with Applicant – 156212 and Licensing Officers.

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

Members of the Council's General Licensing Committee considered all of the information before them, full details of which appeared before the Members in their agenda and background papers.

The Committee were advised by the Team Leader of Licensing that Applicant – 156212 had notified the Licensing team that he would not be present at the hearing as he was attending a wedding, and had subsequently asked to withdraw his application.

The Committee considered whether to allow Applicant – 156212 to withdraw his application, however the Committee felt that as their overriding consideration was the safety of the public, it was pertinent for them to determine Applicant – 156212's application. As Applicant – 156212 was not in attendance, despite being aware of the hearing, and had not requested a deferment, the Committee agreed to proceed in his absence.

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

The Committee heard that Applicant – 156212 was licensed by Redcar and Cleveland Council for thirteen years, which he declared within his application form. The Committee heard that when asked if he had had a licence refused, revoked, or suspended, Applicant – 156212 declared, "I had a taxi badge a few years ago which I handed back in".

The Committee were told that Redcar and Cleveland Council's Licensing Team had confirmed that in June 2021, they received an email from the press, which contained a link to social media showing Applicant – 156212 spitting in a 15-year-old girl's face. The Committee heard that Redcar and Cleveland Council subsequently took the decision to revoke Applicant – 156212's private hire drivers' licence. The Committee were advised that the video of the incident was no longer available.

The Committee understood that Applicant – 156212 was interviewed in relation to the matter on Thursday 21 September 2023. The Committee were told that when questioned about his previous licence revocation, Applicant – 156212 responded; 'I gave it up because it was hard to get it renewed and everything and I wanted a break from taxis, cause after COVID, customers, I didn't want to deal with them, 'cause they were just too much to deal with'.

The Committee heard that despite being challenged by officers during interview, Applicant – 156212 continued to deny any knowledge of that revocation, and maintained that he had chosen to hand his badge back to Redcar and Cleveland Council.

The Committee was told that in response to questions about the incident that led to his licence being revoked, Applicant – 156212 stated that a group of children were throwing stones at his car, one of which hit his daughter through an open window. The Committee heard that Applicant – 156212 admitted that he "lost it" after this, exited his vehicle and, in his own words, "told 'em get lost. They're throwing stones at cars and basically, she kept threatening my daughter, so I told...her to go away and basically, I didn't want to hit her or anything, but she kept coming towards me and cause I was that angry at the moment, I just spat on her."

The Committee also heard that in response to being asked if he was subject to any other complaints, Applicant – 156212 referred to an incident in March 2015 where he had hit a child whilst working as a licenced driver, however Redcar and Cleveland Council advised they did not have any record of this, nor any other complaints against Applicant – 156212.

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 should 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 the application on its merits.

The Committee noted their disappointment that Applicant – 156212 had not appeared before them to express his views and answer their questions.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with Applicant – 156212 due to his admission that he spat at a child following an incident where stones were being thrown at his car. The Committee felt that this was compounded by Applicant – 156212 being disingenuous with regard to the reasons that he ceased working as a licenced driver with Redcar and Cleveland Council.

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 Council* ." In the Committee's view, the circumstances that had led to this matter appearing before them today meant that they could not ensure as far as possible that Applicant – 156212 was a safe and suitable driver who would not abuse or assault passengers. The Committee noted that holding a licence is a privilege and not a right.

Ultimately, the Committee did not believe that Applicant – 156212 was a fit and proper person to hold a combined hackney carriage and private hire vehicle drivers' licence. The Committee were unanimously satisfied that Applicant – 156212's application should therefore be refused.

RESOLVED that Applicant – 156212's application for a combined hackney carriage and private hire vehicle drivers' licence be refused for the reasons as detailed above.

Members were asked to consider and determine a new application for a private hire driver licence for Applicant – 156401 who had a relevant conviction and currently did not meet Transport Policy.

Applicant - 156401 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 – 156401's application which contained a DVLA check code, showing an expired CU80 DVLA endorsement, with an offence date of 30th May 2020.
- . A copy of a summary transcript of an interview with Applicant – 156401 and Licensing Officers.

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

Members of the Council's General Licensing Committee considered all of the information before them, full details of which appeared before the Members in their agenda and background papers.

The Committee noted that following a DVLA check during the application process, Applicant – 156401 had an expired CU80 which was received 30th May 2020 and where the DVLA endorsement had expired 30th May 2023.

Applicant – 156401 explained to the Committee that he did not lift his phone up however he had touched it to stop it from moving around on the central console. Members of the Committee asked if Applicant – 156401 had a mobile phone mount in his vehicle to which Applicant – 156401 stated that there was not one situated in the vehicle at the time of the incident. Applicant – 156401 assured members a mobile phone mount would be installed in his licensed vehicle should his licence be granted.

Existing licence holders who committed criminal offences or received complaints about their behaviour which resulted in disciplinary action may expect the Council to consider revoking their licence or refusing their renewal application. These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence.

Any further convictions may call in to question Applicant – 156401's fitness to hold a licence. The overriding consideration was the safety of the public.

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.

Members took note of Applicant – 156401's remorse and that Applicant – 156401 understood the dangers of driving while on a mobile phone. The Committee determined to place their trust in Applicant – 156401 and therefore agreed to grant him his licence.

RESOLVED that Applicant – 156401's private hire drivers' licence be granted for the reasons as detailed above.