

GENERAL LICENSING COMMITTEE

A meeting of General Licensing Committee was held on Tuesday 16 July 2024.

Present: Cllr Eileen Johnson (Chair), Cllr Mick Moore (Vice-Chair), Cllr Jim Beall (Sub Cllr Marc Besford), Cllr Diane Clarke OBE, Cllr Robert Cook, Cllr John Coulson (Sub Cllr Elsi Hampton), Cllr Jason French, Cllr Mrs Ann McCoy, Cllr Susan Scott, Cllr Andrew Sherris, Cllr Norma Stephenson OBE (Sub Cllr Clare Besford), Cllr Marilyn Surtees and Cllr Marcus Vickers (Sub Cllr Hilary Vickers).

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

Also in attendance:

Apologies: Cllr Marc Besford, Cllr Clare Besford, Cllr Elsi Hampton, Cllr Hugo Stratton and Cllr Hilary Vickers.

GLC/11/24 Evacuation Procedure

The evacuation procedure was noted.

GLC/12/24 Declarations of Interest

There were no declarations of interest.

GLC/13/24 CONSENT STREET TRADING (CST) RESOLUTION

Members were asked to consider and comment on a report which addressed a motion submitted by Councillor Ted Strike at Council meeting held on 29 May 2024, concerning the resolution agreed under the Local Government Miscellaneous Provisions Act 1982 which designated the whole Borough as a consent area for the purposes of street trading. This motion had been automatically referred to the General Licensing Committee for comments.

Full details of Councillor Strikes motion was contained within the main report.

Councillor Ted Strike and Councillor Tony Riordan attended the meeting and given the opportunity to make representation. Their comments could be summarised as follows:

. The idea behind the Consent Street Trading (CST) was accepted and businesses should be required to comply, however it was believed that there was no intention that Stockton Borough Council Officers and Local Councillors meant to penalise community events organised for the community by volunteers, however this is what was happening.

. Cllr Strike informed the Committee that as the founder and Chairman of the Ingleby Barwick Community Partnership (IBCP) he could speak first hand on the matter.

. Reference was made to the 'Ingleby Barwick light switch on' where it would cost £100 for up to 20 stalls, however this was not that type of event. Last year there was only a coffee van which was charged £25 to attend.

. The Ingleby Barwick market would be 10 years old in September, however if these charges remained the market wouldn't see 11 years. Organisers of the market put on an entry fee to combat the charge, and although vouchers were given out to visitors to the value of the entry fee which could be redeemed at any stall, footfall had gone down.

. If the minimum fee of £100 was paid then these events would not be viable, taking into consideration all the work required setting up at 8am, then dismantling at the end finishing about 3.30 or 4pm depending on the number of volunteers. It was hard to see this continuing if £100 had to be paid to Stockton Borough Council for each market!

. If the markets were stopped, which was probably what would happen should these charges remain, then the income generated which went towards the Family Fun Weekend (FFW) would have to be found elsewhere. Add to that the cost of the CST consent for the FFW, which this year would be £150, consideration would have to be given whether the FFW continued.

. Volunteers worked hard on these events for no financial reward.

. Stockton Borough Council liked to say they are an events Council, and the 'Powering Our Future' initiative was meant to be about working and supporting local communities. How was taxing community events supporting local communities?

. Do the right thing and exempt community events from stealth tax.

At the request of Cllr Strike and with the agreement of the Chair an email was read out which had been submitted by Deborah Gale who was Chair of a non-profit community group (CPAD IB Fund) Community Public Access Defibrillators. Details of the e mail were as follows:

'I am writing this email to confirm my support of Cllr. Strikes motion regarding the Street Trading Consent.

I am Chair of non-profit community group CPAD IB Fund. The group is run by unpaid volunteers, every penny we raise goes towards locating and maintaining community public access defibrillators in the Stockton area (53 CPAD's located to date) and, delivering free community CPR and defibrillator awareness training (approximately 5000 trained to date).

Our fundraising events allow us to fund our potential lifesaving work. Whilst I appreciate, we are exempt if we hold an event with only charity/non-profit stalls or the event has an entry charge, it's not always possible to add and facilitate an entry fee depending on the venue. If we invite commercial stalls to our events, they pay a pitch fee and often give a donation to the fund, this helps us greatly to deliver the fundraising event and continue our hard work for the benefit of the community.

We have a small event planned in August and due to us not being able to make it a chargeable event, we have taken the decision to only host charity stalls to fall into the exemption category. This will have an effect on the funds raised. We also work with

many local emergency and rescue charities and a proportion of the funds raised are shared to help them continue their vital work. If we invite commercial stalls and pay the £100 fee to cover the street trading consent this equates to the cost of two pairs of defibrillator pads to the fund.

I am also curious how the street consent is policed as there seems to be many events held which invite commercial stalls, with no entry fee and I believe have not applied for street trading consent. It should be a fair and equal process especially when raising funds to benefit the local community.

CPAD IB Fund support the proposal the street trading consent is reviewed and any non-profit or charity events ran by unpaid volunteers/community groups, should be exempt fully'.

- . Questions were raised as to whether a fair and effective consultation had been undertaken by licensing officers.

- . Good consultations helped in the decision-making process, aiding decision makers to make better decisions.

- . Only 49 responses had been received following the consultation, 45% agreed with the proposals and 49% disagreed, with 6% being unsure.

- . The voluntary sector consultation period was too short.

- . Small businesses would be harmed by effecting trade and reducing amount of revenue spent locally. The amount of paperwork required to be completed would put small community groups off.

- . It appeared this was just bringing money into the Council.

- . The Guidance was due to be reviewed within 12 to 18 months from 1 March, however the Council could reflect and amend the CST policy to reflect Cllr Strikes motion before this.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows: -

- . There had been a fair and effective consultation undertaken which had gone above and beyond statutory requirements. The consultation had been extended outside of the statutory consultees and officers also went out seeking responses to the consultation.

- . In terms of the 49% of consultees that had disagreed with the policy, that part of the consultation results had been reconsidered by the General Licensing Committee. All consultees who had disagreed were invited to that meeting although none attended, however Members agreed to amend that part of the policy alleviating some of those concerns.

- . Where comments had been raised relating to the policing of events, officers confirmed this was a new scheme and in the early stages of implementation.

. It was confirmed that the 'Siren Fest' event which Deborah Gale had highlighted in her e mail did have an entrance fee and therefore would not need to go through the CST process, however commercial enterprises at the event would need to apply for CST consent, unless the stalls were charitable which would make them exempt.

. The CST application for the 'Ingleby Barwick Family Fun Weekend' had been received and was currently being looked at. Trading where all profits were for charity were exempt and did not need to be included in the CST process.

. The Licensing Team Leader also explained to Members that there were many elements to the CST process. Without the policy, individual businesses such as burger vans could pitch up anywhere in the Borough where the CST policy did not apply. The new policy would allow for enforcement powers across the whole of the Borough. DBS certificates would be required for businesses operating such as ice cream vans, and assistants working on those types of businesses would need to be named. A licence plate would be required for any operating vehicle, making it easy to identify those that had the correct permission to operate as a street trader. The CST application process also asked if a street trader had previously had CST consent refused or revoked before with other local authorities. Where street traders were selling food items, food safety and hygiene certificates would be required. The CST application approach across the whole of the Borough was paramount to safeguarding the community.

. Previously to the whole Borough having CST legislation, it was difficult to know who was trading in the Borough. Officers believed that traders from out of the area were choosing Stockton as an area to trade due to the whole Brough not having CST legislation in place. With the CST policy much, more would be known about each trader. The introduction of the Borough wide CST legislation helped prevent issues with pedlars and enforce any issues which may present themselves including those linked to modern day slavery.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows: -

. An amendment was requested that voluntary events where food stalls were trading were exempt or have a limited number of commercial enterprises exempt at those events.

. Clarity was sought as to whether a trader could trade anywhere in the borough once they had gained CST consent.

. It was felt the principle of the CST policy had already been established in a small part of the Borough and that there was no reason for it not to be rolled out to the whole Borough. The new policy allowed for a revaluation after 12 to 18 months, and as the policy only came into effect 1st March 2024 there had not been enough time to see how the new policy translated on the ground, therefore it was suggested the policy be re-evaluated after the proposed timescale already laid out in the policy.

. Queries were raised relating to concerns raised by the organiser of Norton Green Market, as when the policy went to consultation the organiser of Norton Green Market was happy with the recommendations. Cllr Ted Strike however explained that after recent discussions with the organiser of Norton Green Market they were still concerned that if the charges applied the Market may not go-ahead next year.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows: -

. The Licensing Team Leader explained that the CST policy was for the whole of the Borough and that commercial enterprises would need CST consents at community events, however it wouldn't necessarily be the organiser that would need to pay the fees, it could be the individual trader.

. The CST process was self-funding which would cover the costs of the process itself including staff time etc. The fees had not increased and had been in place for some time; however, they were now to be applied to the whole of the Borough not just part as had been previously.

. It was confirmed that a trader would need to apply for CST consent for each event or location they wanted to trade.

. Norton Green Market organiser had recently been in touch with the Licensing Team enquiring about extending their market event.

RESOLVED that:

Officers collate the options identified by the Committee, and these options be circulated to members of the committee, for feedback, with this feedback being provided to a future meeting of the committee, prior to it making a final decision and informing Council accordingly.

GLC/14/24 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/15/24 Combined Hackney Carriage and Private Hire Driver – 000879

Members were asked to consider and determine what action to take as to whether combined hackney carriage and private hire driver – 000879 remained a fit and proper person to hold a combined hackney carriage and private hire drivers' licence, with this authority.

Combined hackney carriage and private hire driver – 000879 attended the meeting alongside his legal representative Mr Simon Walker of Appleby Hope & Matthews Solicitors and was given the opportunity to make representation.

A witness relating to complaint number 2 was also in attendance and 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 recording of a phone call between combined hackney carriage and private hire driver – 000879 and a Taxi Operator

. A copy of a summary of CCTV footage

. A copy of images showing damage to a complainant's vehicle and to a Private Hire Vehicle.

. A copy of a summary transcript of an interview between combined hackney carriage and private hire driver – 000879 and Licensing Officers.

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

The Committee understood that the matter before them was to determine the continued fitness of combined hackney carriage and private hire driver – 000879 as detailed in the Committee report and appendices.

The Committee heard that combined hackney carriage and private hire driver – 000879 had previously held a licence with this authority since before 2003 and had had his licence revoked in March 2020 due to a medical issue. Combined hackney carriage and private hire driver – 000879 re-applied for a combined licence in June 2023, which was granted on 1st August 2023.

The Committee heard that there were three separate complaints before them, relating to combined hackney carriage and private hire driver – 000879 and his private hire vehicle. A summary of the complaints were outlined to the Committee is as follows:-

Complaint 1 – On 2nd April 2024, a member of the public reported that a Private Hire Vehicle had collided with her vehicle and left the scene. The complainant and a nearby shop provided CCTV footage of the collision. The complainant stated she had called the operator, who identified the driver of the Private Hire Vehicle as combined hackney carriage and private hire driver – 000879, who denied the collision and stated that he had been at home asleep at that time.

Combined hackney carriage and private hire driver – 000879 was interviewed in relation to the matter on 24th April 2024, and 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, combined hackney carriage and private hire driver – 000879 denied colliding with the complainant's vehicle and denied that witnesses had attempted to stop him from driving away. Combined hackney carriage and private hire driver – 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, combined hackney carriage and private hire driver – 000879 said that he checked his vehicle on the day of the incident and there was no damage. He was then asked again about the scratches to the wheel arch which he said were caused by him reversing off his drive and scratching the vehicle on a wall.

Complaint 2 – Following combined hackney carriage and private hire driver – 000879's interview regarding Complaint 1 on 24th April 2024, a further complaint was received from a member of the public. It was alleged that combined hackney carriage and private hire driver – 000879 had littered from his vehicle and had behaved in an intimidating manner towards the complainant, when confronted, in the presence of her child. The complainant expressed that the incident left her feeling worried that

combined hackney carriage and private hire driver – 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.

When combined hackney carriage and private hire driver – 000879 was interviewed about complaint number 2 on 20th May 2024, he denied throwing air fresheners out of the window of his vehicle. Combined hackney carriage and private hire driver – 000879 stated that there were air fresheners on the rear-view mirror of the vehicle when he picked it up, which affected his hay fever. Combined hackney carriage and private hire driver – 000879 told officers that as he tried to take these off the rear-view mirror they flew out of the open window. Combined hackney carriage and private hire driver – 000879 accepted that he did not pick these up and said when he returned to the spot where this happened the air fresheners were not there. In interview, combined hackney carriage and private hire driver – 000879 denied being aggressive and claimed that it was in fact the complainant who intimidated him. The witness attended the Committee hearing in order to give evidence in relation to Complaint 2.

Complaint 3 – On 15th May 2024, footage was received from the Council’s CCTV team, showing a Private Hire Vehicle involved in facilitating drug dealing. The information received from Cleveland Police stated that when the driver of the Private Hire 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 Private Hire Vehicle as being rented to combined hackney carriage and private hire driver – 000879, 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.

Due to the serious nature of this incident, combined hackney carriage and private hire driver – 000879’s combined licence was suspended on 16th May 2024.

Combined hackney carriage and private hire driver – 000879 was interviewed on 20th May 2024; he confirmed he was the sole driver of the Private Hire Vehicle in question, however, went on to say he was not driving the vehicle in the early hours of 15th May 2024, and admitted that on this occasion his son was driving the vehicle. Combined hackney carriage and private hire driver – 000879 provided his son’s name to officers and confirmed that he lived with combined hackney carriage and private hire driver – 000879 at his home address.

Combined hackney carriage and private hire driver – 000879 stated that his son did not hold a Private Hire Driver Licence or a full DVLA driving licence, as he was learning to drive. Combined hackney carriage and private hire driver – 000879 told officers that his son had never taken his car before and when he asked his son about it, he said he was taking it to McDonald’s. Combined hackney carriage and private hire driver – 000879 stated that he now took his keys upstairs with him to prevent this from happening again.

Combined hackney carriage and private hire driver – 000879 was asked again if he was driving the vehicle during the incident outlined in Complaint 1, as officers suspected that it may have been combined hackney carriage and private hire driver – 000879’s son who was involved in the collision and made off from the scene. Combined hackney carriage and private hire driver – 000879 assured officers that he

was driving the vehicle on Tuesday 2nd April 2024, and stated, "it wasn't anyone else".

The Committee were told that following the interview on 20th May 2024, enquiries were made with Council Tax and Electoral Services to identify the address of combined hackney carriage and private hire driver – 000879's son. Both services advised from their records that combined hackney carriage and private hire driver – 000879 was the only person registered at his address, and that his son was registered as living at another address. When combined hackney carriage and private hire driver – 000879 was asked about this at the time, he was insistent that his son lived with him.

The Committee heard combined hackney carriage and private hire driver – 000879's history as a licenced driver as set out in the report before them. A summary of this information was as follows:-

- 8th March 2004 – combined hackney carriage and private hire driver – 000879 was prosecuted for fraud. He was referred to the Licensing Committee, who suspended his licence for two weeks.
- 19th October 2007 – combined hackney carriage and private hire driver – 000879 received a written warning for using a mobile telephone whilst driving.
- 25th May 2010 – combined hackney carriage and private hire driver – 000879 failed to declare a motoring conviction for using a mobile telephone whilst driving. Combined hackney carriage and private hire driver – 000879 received a written warning.
- 20th September 2011 – combined hackney carriage and private hire driver – 000879 received advice regarding overcharging and his attitude.
- 24th January 2013 – combined hackney carriage and private hire driver – 000879's DBS check was unsatisfactory for a licenced driver as a conviction for shoplifting was revealed. Combined hackney carriage and private hire driver – 000879 received a written warning.
- 15th December 2014 – combined hackney carriage and private hire driver – 000879 was stopped by police for using a mobile telephone and not wearing seatbelt. Combined hackney carriage and private hire driver – 000879 received a written warning following this.
- 24th March 2020 – combined hackney carriage and private hire driver – 000879's licence was revoked as he was medically unfit due to a heart bypass.
- 1st August 2023 – combined hackney carriage and private hire driver – 000879 re-applied for a combined licence, which was granted.
- 25th January 2024 – combined hackney carriage and private hire driver – 000879 was arrested by police, put into a police van and had his vehicle searched. Combined hackney carriage and private hire driver – 000879 said this was in relation to an armed robbery at a bookmaker, but that he was cleared at the scene. Combined hackney

carriage and private hire driver – 000879 was issued with oral advice to report any dealings with police to the licensing team.

Combined hackney carriage and private hire driver – 000879's representative, Mr Walker, addressed the Committee in relation to each of the three complaints in turn. The Committee asked questions of combined hackney carriage and private hire driver – 000879 and his representative.

Complaint 1 - Mr Walker explained to the Committee that the reality of the situation was that combined hackney carriage and private hire driver – 000879 had covered up for his son and accepted that he was wrong to do this. Mr Walker assured the Committee that combined hackney carriage and private hire driver – 000879 was telling the truth when he said that he was in bed at the time of the incident, and that he did not work until the following day. Mr Walker confirmed that everything that combined hackney carriage and private hire driver – 000879 told officers was correct, apart from his failure to advise officers that the vehicle was driven by his son on that date, without his knowledge. The Committee heard from Mr Walker that when combined hackney carriage and private hire driver – 000879 told officers that he remembered the incident, he was simply waffling; in an attempt to cover for his son's actions. Mr Walker told the Committee that combined hackney carriage and private hire driver – 000879 now accepted that he lied to the officers.

The Committee listened to the audio recording provided by the operator of combined hackney carriage and private hire driver – 000879's telephone on 2nd April 2024, in relation to Complaint 1. Mr Walker stated that everything said in that call was true; it was not combined hackney carriage and private hire driver – 000879 driving the vehicle and that he had not been out of the house at that time of day.

In response to the Committee's questioning in relation to Complaint 1, Mr Walker advised the Committee that combined hackney carriage and private hire driver – 000879 did not know at the point he received the telephone call from the operator that his son had taken his car, and that this had caused a great deal of upset for combined hackney carriage and private hire driver – 000879's family. Mr Walker confirmed to the Committee that combined hackney carriage and private hire driver – 000879 did not become aware that it was his son driving his vehicle on 2nd April 2024, until after his second interview on 20th May 2024.

The Committee heard from the Licensing Team Leader, that despite combined hackney carriage and private hire driver – 000879 being in regular contact with officers regarding these matters, he had never mentioned this to the Council at any point before the Committee hearing.

The Committee questioned combined hackney carriage and private hire driver – 000879 in relation to the date that he discovered that his son was in fact responsible for the collision on 2nd April 2024. Mr Walker explained to the Committee that combined hackney carriage and private hire driver – 000879 was covering for his son in relation to Complaint 1 during the interviews on 24th April and 20th May 2024. The Committee questioned Mr Walker as to how combined hackney carriage and private hire driver – 000879 could be covering for his son during those interviews if he did not know that it was his son's fault until after the second interview. Mr Walker told the Committee that combined hackney carriage and private hire driver – 000879 suspected that it was his son's fault all along and was therefore covering for him,

despite not knowing for certain that it was his son's fault until after the second interview.

Complaint 2 - Witness was in attendance at the Committee hearing, supported by a Licensing Officer, in order to give evidence in relation to Complaint 2. Everyone present at the hearing viewed the CCTV footage regarding this incident. The witness explained to the Committee that she saw combined hackney carriage and private hire driver – 000879 pull air fresheners from his vehicle's rear-view mirror and throw them out of the driver's window as he turned left, and that the litter was still in situ a couple of days later. The witness told the Committee how, as she was driving, she asked combined hackney carriage and private hire driver – 000879 from her vehicle if he was going to pick his rubbish up, to which he responded from his vehicle, "no". The Committee heard that the witness continued on her journey home with her child in the passenger seat of her vehicle.

The witness described to the Committee how combined hackney carriage and private hire driver – 000879 followed her to her home address in his vehicle, reversing his vehicle back towards her house until he was outside of her home, which was captured by the CCTV. The Committee heard from the witness how she told combined hackney carriage and private hire driver – 000879 that she had noted his badge number, and combined hackney carriage and private hire driver – 000879 responded by taking a photograph of her home and vehicle, saying I have your number too. The witness described how intimidating she found combined hackney carriage and private hire driver – 000879 behaviour, particularly as her child was present and combined hackney carriage and private hire driver – 000879 took a photograph of her house.

Mr Walker explained to the Committee that combined hackney carriage and private hire driver – 000879 accepted that the air fresheners left his vehicle through the window, although he did not accept that this was an intentional act. In response to the Committee's questioning around his reason for not picking up his litter, combined hackney carriage and private hire driver – 000879 told the Committee that when he returned to the area the air fresheners were not there.

In response to the Committee's questioning in relation to his behaviour towards the witness, combined hackney carriage and private hire driver – 000879 admitted that he was angry because he thought that the witness was following him, but could not explain, when questioned, why he took a photograph of her house. Combined hackney carriage and private hire driver – 000879 assured the Committee that he had deleted the photograph.

The Committee heard through Mr Walker that combined hackney carriage and private hire driver – 000879 now appreciated that his behaviour was intimidating and distressing to the witness, and that he had not intended to make her feel that way. The Committee witnessed combined hackney carriage and private hire driver – 000879 apologise to the witness directly, after this was suggested by a Committee member.

At the conclusion of submissions in respect of Complaint 2, the witness left the hearing, accompanied by the Licensing Officer.

Complaint 3 - Mr Walker expressed to the Committee that, in his view, Complaint 3 should be disregarded as combined hackney carriage and private hire driver – 000879 has explained to police that his son was driving his vehicle, and that the police had accepted this. It was explained to Mr Walker by the Committee that in assessing

combined hackney carriage and private hire driver – 000879’s fitness and propriety to hold a licence, members could take into account any information before them that they felt was relevant. Mr Walker was advised by the Committee that it was a matter for members as to how much weight they placed upon information when reaching their decision, on the balance of probabilities.

It was established through the Committee’s questioning of combined hackney carriage and private hire driver – 000879 that his son lived between combined hackney carriage and private hire driver – 000879’s address and his mother’s address, as his mother was receiving medical treatment for cancer.

The Committee was given an opportunity to ask questions of combined hackney carriage and private hire driver – 000879, with combined hackney carriage and private hire driver – 000879 speaking last.

In summing up, Mr Walker told the Committee that he had advised combined hackney carriage and private hire driver – 000879 to be candid with members about his wrongdoing. Mr Walker explained to the Committee that combined hackney carriage and private hire driver – 000879 knew that he had made an error of judgement in trying to protect his son. Mr Walker submitted to the Committee that despite his history set out in the report before them, combined hackney carriage and private hire driver – 000879 had picked up thousands of members of the public throughout his lengthy career as a licenced driver without cause for concern. Mr Walker told the Committee that this situation was financially difficult for combined hackney carriage and private hire driver – 000879, who had had his licence suspended since May 2024. Mr Walker urged the Committee to give combined hackney carriage and private hire driver – 000879 a chance to prove that he was a fit and proper person.

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 both Mr Walker, and combined hackney carriage and private hire driver – 000879 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 did not believe combined hackney carriage and private hire driver – 000879’s version of events in relation to his knowledge of Complaint 1. The Committee felt, on the balance of probabilities, that combined hackney carriage and private hire driver – 000879 knew that it was his son that was responsible for the collision. The Committee noted that combined hackney carriage and private hire driver – 000879 had not informed the licensing team of this information before the hearing, whenever he became aware of it.

The Committee members took into consideration that combined hackney carriage and private hire driver – 000879 appeared insincere and disingenuous in response to the Committee’s questioning about the complaints before them. The Committee did not feel that combined hackney carriage and private hire driver – 000879 had taken Mr Walker’s advice to be candid in his responses to the Committee.

The Committee found it hard to understand why combined hackney carriage and private hire driver – 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), and yet 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 combined hackney carriage and private hire driver – 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.

Frustrated by the more recent occasion that his son had taken his car, as set out in Complaint 3, the Committee were concerned about combined hackney carriage and private hire driver – 000879’s ability to ensure that his licenced vehicle was secure and not being driven unlawfully by his son. The Committee found combined hackney carriage and private hire driver – 000879’s lack of oversight of his son’s unlawful use of his licenced vehicle concerning, particularly as this has 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 combined hackney carriage and private hire driver – 000879 behaviour towards the witness as set out in Complaint 2. The Committee found the witness to be a credible and honest witness. The Committee felt that it was reasonable of the witness to request that combined hackney carriage and private hire driver – 000879 pick up his litter, whether this had left his vehicle window intentionally or not.

The Committee found combined hackney carriage and private hire driver – 000879’s intimidating and distressing behaviour towards the witness to be inappropriate behaviour for a licenced driver. Despite combined hackney carriage and private hire driver – 000879, in his own admission, becoming angry when he thought that the witness was following him, the Committee strongly felt that combined hackney carriage and private hire driver – 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 combined hackney carriage and private hire driver – 000879 was credible in response to the majority of their questioning, nor did they find his apology to the witness to be genuine and sincere.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with combined hackney carriage and private hire driver – 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 combined hackney carriage and private hire driver – 000879’s history as a licenced driver as outlined in the report before the Committee. The Committee felt that combined hackney carriage and private hire driver – 000879’s history, added to how he had responded to the three complaints before the Committee, demonstrated a

pattern of concerns in relation to combined hackney carriage and private hire driver – 000879’s attitude and breaking the rules. The Committee noted that combined hackney carriage and private hire driver – 000879 had already received written warnings and advice on at least six occasions during his career.

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 hackney carriage and private hire driver – 000879 was a suitable and honest person to be licenced. The Committee noted that holding a licence was a privilege and not a right.

Ultimately, the Committee did not believe that combined hackney carriage and private hire driver – 000879 was a fit and proper person to hold a combined hackney carriage and private hire vehicle drivers licence. The Committee were therefore unanimously satisfied that the current suspension should be lifted, and that combined hackney carriage and private hire driver – 000879 licence should be revoked. Under the provisions of section 61(2b) and in the interest of public safety, the Committee determined that this revocation should have immediate effect, and combined hackney carriage and private hire driver – 000879 was therefore no longer authorised to drive such vehicles.

RESOLVED that combined hackney carriage and private hire driver – 000879 have his current suspension lifted and that combined hackney carriage and private hire driver – 000879’s licence be revoked for the reasons as detailed above.

GLC/16/24 Private Hire Driver Application – 157225

Members were asked to consider and determine an application for a private hire driver licence, from applicant - 157225 who had relevant convictions, which did not meet current Transport Policy.

Applicant - 157225 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 – 157225's application which contained a DVLA check code, showing one live DVLA endorsement for a speeding offence.

. A copy of a summary transcript of an interview with applicant – 157225 and Licensing Officers.

The Committee understood that the matter before them was to determine a private hire drivers' licence application from applicant – 157225 who had four convictions for possession of controlled drugs. The Council's current Hackney Carriages and Private Hire Licensing Policy on drugs related offences states:- a licence would normally be refused if an applicant has more than one conviction for drugs related offences.

The Committee noted that had been a long time since applicant – 157225's convictions in 2013 and that applicant – 157225 had not been in any trouble since moving to the North East over a decade ago. The Committee were assured by applicant – 157225's positive attitude and professional demeanour when he appeared before. The Committee therefore determined that they were satisfied that applicant – 157225 was a fit and proper person to hold a licence and agreed to depart from its current policy.

Applicant – 157225 was reminded that licence holders who commit offences or receive complaints about their behaviour expect the Council to consider revoking their licence or refuse any future applications.

The Council had a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles were suitable people to do so, that they are safe drivers with good driving records with adequate experience, sober, courteous, mentally and physically fit, honest and not people who would take advantage of their employment to abuse or assault passengers.

Applicant – 157225 was told that he must always drive in a courteous and professional manner and that Licence holders should endeavour to promote the image of the hackney carriage and private hire trade by:

- a) complying with this Code of Conduct;
- b) complying with all the conditions of their licence and the Council's Hackney Carriage and Private Hire Licensing Policy;
- c) always behaving in a professional manner.

Before applicant – 157225's licence was granted he was informed he must complete all necessary stages of the application requirements.

RESOLVED that applicant – 157225's private hire drivers licence be granted for the reasons as detailed above.

GLC/17/24 Private Hire Driver Application - 156923

Members were asked to consider and determine a private hire drivers application from applicant – 156923 who had relevant DVLA convictions and did not meet current Transport Policy.

Applicant - 156923 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 – 156923's application which contained a DVLA check code, showing one live DVLA endorsement.
- . A copy of a summary transcript of an interview with applicant – 156923 and licensing officers.

The Committee understood that the matter before them was to determine an application for a private hire vehicle drivers' 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 one live DVLA endorsement for the offence of 'driving a motor vehicle uninsured against third party risks' on 4th February 2023. The Committee were told that the applicant received no penalty points for this offence.

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 ever the later. The Committee were told that four years from applicant – 156923's conviction date was 4th February 2027, over two and a half years away.

The Committee were told that applicant – 156923 was interviewed on 17th June 2024, by licensing officers, about the circumstances surrounding his conviction. The Committee heard that applicant – 156923 admitted to driving without insurance, saying that he could not afford to pay for insurance. Applicant – 156923 advised officers that if he had appealed his conviction, he may have received six DVLA penalty points, which would have resulted in him having to re-take his driving test.

The Committee were advised that applicant – 156923 stated during interview that he attended Court and explained his situation to Magistrates, who decided not to hand down DVLA penalty points, and he was instead fined £500.

The Committee heard that in response to being asked if applicant – 156923 believed that he was a fit and proper person to hold a private hire driver licence, applicant – 156923 stated that he had no other convictions. The Committee were told that applicant – 156923 assured officers that he would be safe around passengers and acknowledged that he understood that he must have insurance in place.

The Committee were told that applicant – 156923 had undertaken 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 as well to the oral submissions made by applicant – 156923.

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' is listed as a major traffic offence under the Policy.

The Committee members were not satisfied that they would allow people for whom they care to enter a vehicle with applicant – 156923 due to his previous conviction for 'driving a motor vehicle uninsured against third party risks' only last year.

The Committee did not feel that there were any exceptional reasons before them to depart from the Policy that applicant – 156923 should demonstrate four years free from conviction from February 2023. The Committee noted that, without further conviction, that would be February 2027 at the earliest.

Ultimately, the Committee did not believe that applicant – 156923 was a fit and proper person to hold a private hire vehicle drivers' licence. The Committee were satisfied that applicant – 156923's application should therefore be refused.

RESOLVED that applicant - 156923's application for a private hire drivers licence be refused for the reasons as detailed above.