

STEVENAGE BOROUGH COUNCIL
GENERAL PURPOSES COMMITTEE
MINUTES

Date: Thursday, 11 July 2019

Time: 11.00am

Place: Council Chamber, Daneshill House, Danestrete

Present: Councillors: Laurie Chester (Chair), Doug Bainbridge, Sandra Barr, Jody Hanafin, Liz Harrington and John Lloyd.

Start / End Start Time: 11.00am
Time: End Time: 12.40pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Jim Brown, Michael Downing, Richard Henry, Graham Lawrence, Andy McGuinness, Maureen McKay, Loraine Rossati and Graham Snell.

There were no declarations of interest.

2 MINUTES - 5 JUNE 2019

It was **RESOLVED** that the Minutes of the meeting of the Committee held on 5 June 2019 be approved as a correct record and signed by the Chair.

3 PROCEDURE

The procedure for the meeting was noted by all parties.

4 URGENT PART I BUSINESS

None.

5 EXCLUSION OF PRESS AND PUBLIC

It was **RESOLVED:**

1. That, under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in Paragraphs 1 to 7 of Schedule 12A of the Act, as amended by SI 2006 No. 88.
2. That, having considered the reasons for the following items being in Part II, it be determined that maintaining the exemption from disclosure of the information contained therein outweighed the public interest in disclosure.

6 REVIEW OF A DUAL (HACKNEY CARRIAGE / PRIVATE HIRE) DRIVER LICENCE - MR H.J.

The Commercial and Licensing Manager presented a report to the Committee and informed the Members that the purpose of the meeting was to consider whether the Licence Holder (Mr H.J.) remained a fit and proper person to hold a Dual Driver's licence under section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 and what action, if any should result from that determination.

The Commercial and Licensing Manager advised the Committee that, during October 2018, Mr H.J. was observed by police officers throwing a waste coffee cup out of his vehicle. After he declined to pick up the cup, he also refused to give his name and address, and was arrested and charged with a littering offence. He pleaded not guilty, but was later found guilty at Stevenage Magistrates' Court. At the hearing he accused the police of racism and sexual harassment, in respect of a previous arrest and search in 2014, and accused the Court of being racist.

The Commercial and Licensing Manager stated that, since the court hearing, during various communications with the Stevenage Borough Council Licensing Team, Mr H.J. had repeatedly accused officers of lying, being racist and discriminating against him. He had also refused to effectively communicate with the service, claiming this inaction was a protest against the conduct of a former licensing officer. In addition, he had continued to claim that the police and courts were racist and had discriminated against him.

The Commercial and Licensing Manager explained that, on 30 May 2019, Mr H.J. had applied to renew his dual driver licence with the Council; his licence was due to expire on 30 June 2019. Having had recent dealings with him which called into question his fitness and propriety to hold a dual driver licence, officers were minded to refuse the application pending consideration of Mr H.J.'s conduct by the General Purposes Committee; at the present time he did not hold a current taxi dual driver licence.

It was noted that Mr H.J. had enjoyed a previously unblemished record as the holder of a dual driver licence, having held such a licence with the Council for at least 9 years.

The Commercial and Licensing Manager summarised the timeline of events set out in Paragraphs 3.5 to 3.20 of the submitted report. He then referred Members to Paragraph 4.2 of the report, which set out the possible courses of action available to the Committee.

The Chair invited the applicant, Mr H.J., to ask questions of the Commercial and Licensing Manager.

In reply to a question regarding why Mr H.J. had not received an apology when there had been an error with the paperwork regarding his dual driver licence renewal application, the Commercial and Licensing Manager accepted that Mr H.J. had been provided with the incorrect paperwork, but that the issue was swiftly rectified. He

had no knowledge of whether or not Mr H.J. had received an apology. In response to an assertion from the Applicant claiming the Licensing Team had treated him differently from other applicants, the Commercial and Licensing Manager replied that the Team treated all applicants equally. He would be more than happy to investigate any claims of poor processes, but considered Mr H.J.'s accusations to be verbal comments which were unsubstantiated. If errors were made, then the Commercial and Licensing Manager would like to think that the Service would have apologised if Mr H.J. had been inconvenienced in any way.

The applicant asked why he had not received an apology from the Council when he had been accused of being drunk by staff in the Customer Service Centre during his visit to collect his new vehicle plate and related paperwork in December 2018, when in fact he had been using an anti-bacterial handwash which was alcohol-based. The Commercial and Licensing Manager was unable to comment on what had been said during the visit. However, the incident in question had been included in the timeline section of the report as an example of his dealings with the Council and not as evidence of his fitness to drive a licensed taxi vehicle.

The Chair invited Members of the Committee to ask questions of the Commercial and Licensing Manager. He responded as follows:

- In respect of the assertion by the Applicant that a former Licensing Officer had made a racist comment to him during a telephone conversation, it was confirmed that telephone calls were not recorded. However, the Team possessed a witness statement from the former Licensing Officer regarding the incident;
- In relation to the above incident, there could have been a personality clash between the two individuals. The Commercial and Licensing Manager fully refuted the allegations made against him by the Applicant. However, the repeated disdain and hostility shown by Mr H.J. towards the Police, Licensing Team and the Courts indicated that he appeared to have problems when dealing with the authorities in general.

The Chair invited the Applicant, Mr H.J., to present his case.

The Applicant considered that he was a fit and proper person to hold a taxi dual driver licence, as his record had been fine for the previous 9 years. He asserted that the Licensing Team offered licence plates on different conditions to different drivers. He had received no apologies for the receipt of incorrect information, and had pursued his complaint against the Team alleging unfair treatment.

The Applicant maintained that the Former Licensing Officer had been aggressive towards him over the phone, when he had simply asked him a question. He considered that the Commercial and Licensing Manager had shouted at him during a meeting.

The Applicant stated that the Courts were racist and the British Government was not applying fair legislation, as Uber drivers registered with Transport for London were able to operate outside of their licensed area, unlike drivers (such as himself) operating in other areas of the country.

Neither the Commercial and Licensing Manager nor Members of the Committee wished to ask any questions of the Applicant.

The Commercial and Licensing Manager chose not to make a closing statement. However, he clarified to the Committee the legal position with regard to licensed taxi drivers operating outside of the area in which they were registered.

In his closing statement, the applicant maintained that the Licensing Team had never been courteous or fair in their dealings with him. He had received no apologies on occasions when errors had been made. In relation to the incident with the waste coffee cup, he stated that he had not refused to pick up the cup when asked to do so by the Police, he had simply asked for clarification of the law before picking it up. He reiterated his earlier comments that the Police were racist in their dealings with him.

All parties, with the exception of the legal advisor to the Committee and Committee Clerks, withdrew from the meeting and the Committee considered its decision. Following full deliberations, the applicant and the Licensing Officers came back into the meeting to be advised of the Committee's decision.

Having considered the matter carefully and taking into account all the relevant factors, it was **RESOLVED** that the application by Mr H.J. for a Dual Hackney Carriage/Private Hire Driver Licence be refused.

In reaching this decision, and on the evidence provided at the hearing, the Committee considered that Mr H.J. had:

- Repeatedly shown disdain for and hostility towards the authorities in general and Licensing Team staff in particular;
- Demonstrated a tendency to level unsubstantiated claims about unfair treatment and discrimination; and
- Displayed a propensity to lose control of his temper when challenged.

The Committee considered that all of the above patterns of behaviour represented a direct or indirect threat to the safety of passengers while performing the role of a licensed taxi driver.

The Committee therefore concluded that Mr H.J. is not a fit and proper person to hold a Dual Hackney Carriage/Private Hire Driver Licence.

7 URGENT PART II BUSINESS

None.

CHAIR