

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on Monday 1 September 2025.

PRESENT: Councillors L Lewis (Chair), S Hill (Vice-Chair), J Cooke, C Cooper, J Ewan, P Gavigan, D Jones, J Kabuye, J McTigue, J Platt and A Romaine

OFFICERS: S Bonner, F Helyer, T Hodgkinson, Johansson and T Durance

APOLOGIES FOR ABSENCE: Councillors TA Grainge, T Livingstone, M Nugent

25/26 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

25/27 **MINUTES - LICENSING COMMITTEE - 14 JULY 2025**

The minutes of the Licensing Committee meeting, held on 14 July 2025, were submitted and approved as a correct record.

25/28 **MINUTES- LICENSING COMMITTEE - 21 JULY 2025**

The minutes of the Licensing Committee meeting, held on 21 July 2025, were submitted and approved as a correct record.

25/29 **LICENSING UPDATES**

The Licensing Manager advised that there had been no appeals and no revocations since the last meeting.

25/30 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

There were no urgent items.

25/31 **EXCLUSION OF PRESS AND PUBLIC**

ORDERED that the press and public be excluded from the meeting for the following items on the grounds that, if present, there would be disclosure to them of exempt information as defined in Paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

25/32 **REVIEW OF PRIVATE HIRE VEHICLE DRIVER LICENCE REF: 27/25**

The Director of Environment and Community Services submitted a report in relation to the review of a Private Hire Vehicle Driver Licence, Ref: 27/25, highlighting the circumstances that required the Committee's special consideration.

The Chair outlined the procedure and confirmed that the driver, who attended the meeting with his partner, verified his personal details and acknowledged receipt of the report. It was noted that the Licensing Consultant, who represented the driver, was not present at the meeting, as the driver had been unable to continue with the associated financial costs.

The Principal Public Protection Officer presented the report, which confirmed that the driver had been licensed with Middlesbrough Council since November 2018, with his current licence valid until October 2026. Members were advised that on 13 June 2025, Licensing Officers had been informed by the driver's Licensing Consultant that the driver may have been wrongly issued with a Fixed Penalty Notice, relating to the use of a mobile phone whilst driving. The Licensing Consultant indicated that the driver had not fully understood recent legislative

changes regarding mobile phone usage whilst in control of a vehicle. At the Licensing Committee 23 June 2025, Members agreed to defer consideration of the matter whilst enquiries were made with Cleveland Police, including a subject access request from the driver regarding the alleged offence.

On 24 June 2025, the Principal Licensing Officer contacted Cleveland Police Legal Services, seeking clarification regarding the Fixed Penalty Notice issued in relation to the incident on 11 June 2024.

On 15 July 2025, the Principal Licensing Officer received correspondence from the Licensing Consultant, which included a letter and an incident report from Cleveland Police, provided in response to the driver's subject access request. The Licensing Consultant advised that the driver had accepted the Fixed Penalty Notice in error, believing the Police Officer was correct in stating that any interaction with a mobile phone, while in control of a vehicle, constituted an offence. It was subsequently explained by the Licensing Consultant, that the offence only applied when a phone was being handheld, whereas in this case the mobile device had been secured in a bracket and the driver had only tapped the screen. The Licensing Consultant noted similar cases had previously been contested. As the driver had already paid the penalty, the notice could not be appealed, although judicial review by the High Court would have been possible. However, this was not financially viable for the driver. It was further noted that the police record contained limited information and did not specify that the alleged offence arose from tapping a securely bracketed device.

The Committee was also informed that the driver had previously been issued with a warning on 7 January 2019, following complaints regarding his driving standards, and that on 12 June 2019 Cleveland Police disclosed he had been arrested for causing serious injury by dangerous driving. Consequently, the Licensing Manager suspended his licence on public safety grounds, a decision the driver did not appeal. On 30 September 2019, the Licensing Committee reviewed the matter and agreed to lift the suspension on the condition that the driver complete a Council approved Driver Improvement Scheme, at his own expense, which he duly undertook and completed satisfactorily within the required timeframe.

In relation to the current alleged offence, it was noted that the driver contacted the Licensing Team on 22 June 2024, providing a letter from Cleveland Police, confirming a conditional offer of a £200 fine and six penalty points, which the driver paid promptly. Due to administrative technical issues within the Licensing Department, no further action was initially taken by the Licensing Team until May 2025, when Stockton Borough Council raised an enquiry, as the driver had applied to that local authority for a Private Hire Vehicle Licence. The driver attended an interview with Licensing Enforcement Officers on 29 May 2025, during which he described the current alleged incident. He explained that the mobile phone was securely held in a bracket, and he had pressed the accept button for a passenger job when alerted, rather than holding the device. The Police Officer present at the time of the alleged offence, advised the driver that touching a mobile phone while in control of a vehicle, constituted the same offence as handheld use. The Committee was further advised that the driver's application for a Private Hire Vehicle Licence had been refused by Stockton Borough Council on 29 July 2025.

The driver was invited to address the Committee in support of his case and responded to questions from Members, with his partner also speaking in support. Following confirmation that there were no further questions, the driver, his partner and Licensing Officers of the Council, withdrew from the meeting while the Committee deliberated, accompanied by Council Officers from Legal and Democratic Services.

Upon reaching a decision, all parties returned, and the Chair outlined the Committee's determination, confirming that the driver would be notified of the full decision and reasons within five working days.

ORDERED that the driver's Private Hire Vehicle Driver Licence, Ref No: 27/25, be revoked.

Authority to act

1. Under Section 61 of the Local Government Miscellaneous Provisions Act 1976 ("the Act") the Committee may revoke or suspend a private hire / hackney carriage vehicle

driver's licence on the grounds that:

- Since the grant of the licence the Driver had been convicted of an offence involving dishonesty, indecency or violence.
 - Since the grant of the licence the Driver had committed an offence or breached the Act or the Town Police Clauses Act 1847.
 - For any other reasonable cause.
2. The Committee considered Section 61 of the Act, the Middlesbrough Council Private Hire and Hackney Carriage Policy 2022 ("the Policy"), the report and representations made by the Driver and his Partner.
 3. The review of the licence was considered on its own particular facts and on its merits.

Decision

4. After carefully considering all the information, the Licensing Committee decided to revoke the Driver's private hire vehicle driver's licence on the grounds of any other reasonable cause.

Reasons

5. The Policy confirmed that the Council's licensed drivers should be safe drivers with good driving records and adequate experience, sober, mentally and physically fit, be honest and not persons who would take advantage of their employment to abuse or assault passengers.

The Policy on Convictions were set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.

For the guideline's simple cautions, fixed penalties and community resolutions should be treated as though they were convictions, and they should be disclosed to the Council accordingly.

The Policy was clear, it stated that a serious view would be taken regarding convictions for driving whilst using a mobile phone or hand-held device, a driver's licence would not be granted until at least five years had elapsed since the conviction or completion of any sentence or driving ban imposed, whichever was the later.

The Driver had been licensed as a private hire vehicle driver with Middlesbrough Council since 29 November 2018, with his licence due to expire on 31 October 2026.

The Driver had appeared before the Committee previously, on 30 September 2019 following information received from Cleveland Police at that time the Driver had been arrested for the alleged offence of causing serious injury by dangerous driving. The Licensing Manager suspended the Driver's licence with immediate effect in the interests of public safety.

The Committee, at that time, considered the alleged offence as well as two complaints as to driving standards, from 7 January 2019, that had been received from members of the public, which resulted in a warning for the Driver. The Committee determined that the Driver's suspension would be removed but that he must attend a Driver Improvement Scheme at his own expense.

On 21 June 2024, the Driver was convicted of a CU80 Offence, specifically breach of requirements to control of vehicle, use of mobile phone etc. and sentenced to £200 fine as well as 6 penalty points. The Driver informed the Licensing Team within 48 hours, on 22 June 2024.

The matter was due to be considered at the Committee meeting held on 23 June

2025, however, following an email from the Driver's Licensing Consultant, on the Driver's behalf, the matter was deferred to 1 September 2025.

The Licensing Consultant, in his email of 13 June 2025, had informed Licensing Officers that the Driver intended to submit a Subject Access Request to Cleveland Police for information regarding the incident on 11 June 2024 when he was stopped by the Police for the alleged offence of his use of a mobile phone whilst driving. The Licensing Consultant stated that in his opinion, the Driver had been wrongly issued with a fixed penalty notice for an offence he did not commit, because the Police Officer did not understand a change in law relating to mobile phone usage.

On 29 May 2025, the Driver attended for interview with Licensing Enforcement Officers. Regarding the mobile phone offence, the Driver stated that whilst he was working, he received a job through on his phone, as he was driving, he pressed accept on his phone without realising that there was a Police car behind him.

The Driver stated that the Police Officer activated the blue lights, so he pulled over. The Driver said that he informed the officer that he did not have the phone in his hands, but the Police Officer said he saw the Driver touching the phone and subsequently issued him a ticket. The Driver stated he did not want to argue with the Police Officer and therefore accepted the ticket.

The Police incident report was provided as part of the Licensing Report, however there was limited information provided on the circumstances of the offence.

At the Committee hearing, the Driver again reiterated his version of events as to how he received the fine and penalty points. The Driver stated he did not know at the time whether he was in the right or the wrong. The Driver stated that he had the phone in the car bracket not in his hands, but that the Police Officer was aggressive with him, and he therefore did not challenge the issuing of the ticket at that time.

When asked why he did not make a legal challenge against the fixed penalty, the Driver stated at the time he did not know he could do that and that it was now too late.

The Driver asked the Committee not to revoke his licence, he stated he was a safe driver and that he needed his licence to provide for his family. The Driver's partner also asked that the Committee did not revoke the Driver's licence.

The Committee, based on the evidence it was presented with, determined there was no compelling, clear, good or exceptional reasons to depart from the Policy, and decided to revoke the licence for the reasons set out above.

The Committee determined that the Driver failed to challenge the fixed penalty notice at the time it was issued, instead accepting it, therefore they could not go behind the conviction.

The Committee also considered the Driver's regulatory history specifically that the Driver had previously received a warning and requirement to attend a Driver Improvement Scheme following complaints regarding his driving.

In line with the Policy, the Committee determined that the Driver was not a fit and proper person to hold a private hire vehicle driver's licence in Middlesbrough and therefore decided to revoke the same.

If the Driver was aggrieved by the decision he may appeal to a Magistrates Court within 21 days from the date of the notice of the decision. The local magistrate for the area was the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.

If the Driver did appeal the decision and the appeal was dismissed by the Magistrates Court, the Council would claim its costs in defending its decision from the Driver which

could be in the region of £1000.