

## LICENSING COMMITTEE

<b>Date:</b>	<b>Monday 1st September, 2025</b>
<b>Time:</b>	<b>1.00 pm</b>
<b>Venue:</b>	<b>Mandela Room</b>

## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Licensing Committee - 14 July 2025 3 - 12
4. Minutes- Licensing Committee - 21 July 2025 13 - 18
5. Licensing Updates
6. Any other urgent items which in the opinion of the Chair, may be considered.
7. Exclusion of Press and Public  
  
To consider passing a Resolution Pursuant to Section 100A (4) Part 1 of the Local Government Act 1972 excluding the press and public from the meeting during consideration of the following items on the grounds that if present there would be disclosure to them of exempt information falling within paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12A of the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
8. Review of Private Hire Vehicle Driver Licence Ref: 27/25 19 - 38

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Thursday 21 August 2025

## MEMBERSHIP

Councillors L Lewis (Chair), S Hill (Vice-Chair), J Cooke, C Cooper, J Ewan, P Gavigan, TA Grainge, D Jones, J Kabuye, T Livingstone, J McTigue, M Nugent, J Platt and A Romaine

### **Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Joanne Dixon / Scott Bonner, 01642 729713 / 01642 729708, [joanne\\_dixon@middlesbrough.gov.uk](mailto:joanne_dixon@middlesbrough.gov.uk) / [scott\\_bonner@middlesbrough.gov.uk](mailto:scott_bonner@middlesbrough.gov.uk)**

## LICENSING COMMITTEE

A meeting of the Licensing Committee was held on Monday 14 July 2025.

- PRESENT:** Councillors L Lewis, S Hill (Vice-Chair), J Cooke, C Cooper, D Jones, J Kabuye, T Livingstone, J McTigue, A Romaine and J Platt
- OFFICERS:** S Bonner, F Helyer, T Hodgkinson, T Durance, S Wearing, M Worrall and C Jones
- APOLOGIES FOR ABSENCE:** Councillors J Ewan and P Gavigan

### 25/12 DECLARATIONS OF INTEREST

Name of Member	Type of Interest	Nature of Interest
Councillor Kabuye	Non-pecuniary	Agenda Item 6 (Ref 22/25) – Driver known to Councillor.

### 25/13 LICENSING UPDATES

The Licensing Manager provided a verbal update in respect of a licensing appeal on 1 July 2025. Members were advised that a Private Hire Driver Licence was revoked on 1 November 2024 due to a violent disturbance and the driver was arrested for GBH. The appeal was upheld and £900 costs were ordered.

Members were also informed of a licence being revoked with immediate effect by Officers following a failed drug test.

The Licensing Manager informed Members of an incident in which a driver had attempted to pay himself fares of £1250 and £500 using an intoxicated passenger's online banking application. Police traced the driver and his licence was revoked.

### NOTED

### 25/14 ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.

There were no urgent items.

### 25/15 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.

### 25/16 APPLICATION FOR RENEWAL OF COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE REF:- 22/25

#### DECLARATION OF INTEREST

At this point in the meeting, Councillor Kabuye declared a non-pecuniary interest in the following item, stating that he was familiar the applicant, as their children attended the same school. Councillor Kabuye withdrew from the meeting.

The Director of Environment and Community Services submitted an exempt report in connection with an application for the renewal of a Combined Hackney Carriage and Private Hire Vehicle Driver Licence, Ref: 22/25, where circumstances had arisen which required special consideration by the Committee.

The Chair introduced those present and outlined the procedure to be followed. The applicant, who was in attendance at the meeting, and accompanied by his legal representative, verified his name and address and confirmed he had received a copy of the report and understood its contents.

The Licensing Manager presented a summary of the report stating that the applicant appeared before Members for consideration of his renewal application for a Combined Driver's licence following a complaint made against him on 14 October 2024.

The complainant stated that the applicant had overcharged her disabled mother whilst carrying her as a passenger in his hackney carriage vehicle on certain journeys from the Stainton Lodge Care Home in Middlesbrough throughout September and October 2024. The complainant stated that the applicant had charged her mother set fares of £30 and £32 for five pre-booked return taxi journeys from the Care Home. The complainant also stated that the Driver had not used his taxi meter on any of the taxi journeys he had undertaken. During the period that the above taxi journeys had been undertaken, the Combined Hackney Carriage and Private Hire Driver's Licence had been suspended due to the applicant's failure to produce a medical report.

On 4 September 2024, Licensing Officers sent a letter to the applicant confirming that his Combined Hackney Carriage and Private Hire Driver Licence had been suspended with immediate effect following his failure to produce a medical report that was overdue. The letter referred to a previous reminder letter sent to the applicant, dated 16 July 2024 that had stated that his combined licence would be suspended if he had not produced a satisfactory medical report by 17 August 2024. The letter of 4 September 2024 was sent via the Council's normal postal arrangements to the applicant's address according to records held by the Licensing Section at that time.

On 11 December 2024 a Licensing Enforcement Officer contacted the applicant by telephone to remind him that his Combined Hackney Carriage and Private Hire Driver's Licence was still suspended as he had not provided a satisfactory medical report. On 12 December 2024, a Licensing Officer sent an email to the driver enclosing a copy of the letter dated 4 September 2024 confirming the suspension of his combined driver's licence. The officer reaffirmed that the Licensing Section had still not received an up-to-date medical certificate from him, and therefore the suspension remained. The Officer also requested that the applicant return his driver's identification badges as stated in the suspension letter as a matter of urgency.

On 12 December 2024, an email was received from the applicant by the Licensing Office stating that his address had changed in May 2024 and was therefore only aware of the suspension since the telephone call on 11 December 2024. The applicant further advised that he had stopped working and had arranged for a medical with his GP and a medical certificate would be provided upon completion. The applicant further advised that he would return his badges to Middlesbrough House.

On 25 April 2025, the applicant attended an interview with the Principal Licensing Officer and Licensing Enforcement Officer to address the complaint that had been made against him regarding the non-use of his taxi meter and alleged overcharged taxi fares. The purpose of the interview was also to seek the applicant's explanation for driving a hackney carriage vehicle whilst his driver's licence had been suspended.

The applicant and his representative were invited to address the Committee in support of his case. The applicant and representative presented the case and responded to questions from Members of the Committee and the Council's Legal Representative.

The Witness was invited to address the Committee and responded to questions from the Members and the Council's Legal Representative.

It was confirmed that there were no further questions and the applicant, and Officers of the Council, other than representatives of the Council's Legal and Democratic Services teams, withdrew from the meeting whilst the Committee determined the application.

Subsequently, all parties returned, and the Chair announced a summary of the Committee's decision and highlighted that the applicant would receive the full decision and reasons within five working days.

**ORDERED** that the application to renew the Combined Hackney Carriage and Private Hire Vehicle driver's licence be refused.

Authority to Act

1. Under Section 61 of the Local Government Miscellaneous Provisions Act 1976 ("the Act") the Committee may revoke or suspend or refuse to renew 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 appendices, the representations made by the witness and representations made by the applicant and his legal representative.
3. The application for renewal was considered on its own particular facts and on its merits.

Decision

4. After carefully considering all the information the Licensing Committee decided to refuse to renew the application for a Combined Hackney Carriage and Private Hire Vehicle driver's licence on the grounds that the Committee was not satisfied the applicant was a fit and proper person to be granted the licence. The reasons for the decision were as follows:

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.
6. The Policy on Convictions were set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
7. The Policy stated that criminal convictions are not the only criteria used when considering whether an individual was a fit and proper person to be licensed. The Council can consider circumstances of concern even though a conviction had not been obtained or the conduct did not amount to a criminal offence.
8. The applicant had been licensed as a Hackney Carriage and Private Hire driver with Middlesbrough Council since 12 July 2000. The Applicant's current licence expired on 30 June 2025, however an application for a renewal was made on 21 June 2025.
9. The applicant had previously appeared before the Licensing Committee on two occasions. In 2007 Members considered a caution for common assault but permitted the Applicant to retain his licence.
10. In 2020, Members reviewed the applicant's licence following a complaint that he had made inappropriate comments to a female passenger and had an unknown male travelling in the vehicle on the same journey. The Committee further considered an allegation that he had made a further inappropriate comment to an Officer of the Council. On that occasion, the Committee considered further matters on the applicant's record including Overcrowding a Hackney Carriage Rank (2000); Arrest for GBH (2012); Parking on a Hackney Carriage Rank (2013); and Excess speed (July 2017). The Committee determined that the applicant had made inappropriate comments but that a warning be issued to prevent further inappropriate behaviour.

11. On 4 September 2024, Licensing Officers informed the applicant by letter that his Combined Hackney Carriage and Private Hire Driver Licence had been suspended with immediate effect following his failure to produce a medical report that was overdue. The applicant was first sent a reminder on 16 July 2024, that a medical report was required by 17 August 2024, all correspondence was sent to the applicant's address held by the Licensing team at the time.
12. The applicant appeared before the Committee following a complaint made by a member of the public, stating that the applicant had overcharged her disabled mother whilst carrying her as a passenger on journeys to and from Stainton Lodge care home in Middlesbrough, throughout September and October 2024. The complainant stated that the applicant had charged set fares of £30 and £32 for five pre-booked return taxi journeys, and that he had not used his meter on any occasion. Several of the journeys started and ended within Middlesbrough.
13. On 12 December 2024, Licensing Officers emailed the applicant to notify him of the suspension of his licence and requested the return of his badges. The applicant responded the same day claiming that he had notified the Council of a change to his address in May 2023, he nevertheless confirmed he would cease driving, seek a medical report and return his badges.
14. The Committee heard from the Witness who confirmed the contents of her statement. She further reaffirmed that the applicant had informed her that the price was higher due to the vehicle being wheelchair accessible and because her mother was in a wheelchair. When questioned, the Witness stated that the service was generally good and that despite her agreeing to the quoted prices, she only did so because she could not find any other driver to transport her disabled mother, despite her being unhappy with the cost. The Witness stated that she wanted a refund for the extra charges, but this was not forthcoming.
15. The Committee considered the submissions of the applicant. The applicant first addressed the failure to respond to the Licensing team's request for a medical report and his continuation of driving whilst suspended. The applicant's submissions were that he simply did not receive the correspondence. The applicant reiterated that he had notified the Council of his change of address and that he had not purposely evaded the Licensing Team, evidenced by the immediate return of the badges once he had become aware of the issue. The applicant also referenced his period of homelessness and how he had worked with the Council, again emphasising that he had not intentionally withheld his change of circumstances.
16. When questioned on this point, it became evident that the applicant had notified the Council Tax team, via the online portal, of his address change, and not the relevant Licensing department as required. The applicant admitted that this was a genuine mistake and he thought that all Council records would be updated.
17. Regarding the complaint made against the applicant for overcharging, he immediately accepted that he had made mistake and accepted responsibility. The Applicant stated that had used the meter on some occasions but not all the time. The Committee heard that he had done so as he believed with certain jobs it was uneconomical to travel and pick up passengers at the prices on the meter and that he would be operating at a loss.
18. The applicant referred to his supporting evidence whereby he had evidenced fare calculations. The applicant showed how much the actual journey would have cost from travelling to pick up the passenger to dropping the passenger off, and how he was only charging what it was costing him. The applicant did not accept that he was charging extra as the passenger was disabled and in a wheelchair. The Committee also heard that, the complainant and her mother had agreed a price in advance and had the opportunity not to accept, but that they did anyway. The applicant stated he had never refused to reimburse the complainant, and that although he had not done so yet, he would refund her the extra charges.
19. The Committee heard that the applicant had around 25 years of Hackney Carriage experience and had a good driving record over that time. They also heard that the applicant was not dishonest and had many regular customers relying on him for

transport as they required a wheelchair accessible vehicle, as supported by the reference provided by the applicant. The applicant stated that he received tips from regular customers.

20. The Committee took the view that the applicant was greatly experienced, with 25 years as a Hackney Carriage vehicle driver and that it was his responsibility to notify the relevant department of any change in address. The Committee considered the Hackney Carriage Driver Licence – Rules, Regulations and Routes document of the Council, specifically where it stated that the Council must be informed in writing of any change in address within 7 days. The Committee determined that the applicant had been driving for 4 months whilst suspended.
21. The Committee also considered that the applicant acted improperly by not engaging his meter for the complainant and her mother. With 25 years experience, the Committee took a negative view of the applicant's excuse for not doing so. The Committee determined that it was extremely clear what was expected of a Hackney Carriage driver, specifically as it was detailed in the aforementioned document, where it stated that at the start of a journey the meter should read zero, then be turned on when the customers had entered the vehicle and must not be turned off until the end of the journey. The applicant had not done this.
22. They further considered the agreement of a fare but determined that this was irrelevant, as again the Hackney Carriage Driver Licence – Rules, Regulations and Routes document was clear whereby it stated that it was allowed to agree a fare prior to the journey starting but that the meter must still be activated. At the end of the journey if the metered fare was lower, that was the fare, if it was higher than the agreed price, the passenger should be charged the agreed amount.
23. The Committee had formed the view that the applicant had repeatedly disregarded the rules and Policy on numerous occasions and further determined that he had failed to be honest in his practices. The Committee had found that he had taken advantage of the situation and specifically the vulnerable passenger and that the immediate incidents coupled with the previous complaints heard by other Committees, showed that he was not a fit and proper person.
24. The Committee, based on the evidence it was presented with, decided that the applicant was not a fit and proper person or safe and suitable to be licensed as a combined Hackney Carriage and Private Hire Vehicle driver in Middlesbrough, and therefore refused to renew the licence for the reasons set out above.
25. If the applicant 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 magistrates for the area was the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.
26. If the applicant does appeal the decision and the appeal was dismissed by the Magistrates Court, the Council would claim its costs in defending its decision from the Applicant which could be in the region of £1000.

Councillor Kabuye rejoined the meeting at this point

25/17

**REVIEW OF PRIVATE HIRE VEHICLE DRIVER LICENCE REF:-23/25**

The Director of Environment and Community Services submitted an exempt report in connection with the review of Private Hire Vehicle Driver Licence, Ref: 23/25, where circumstances had arisen which required special consideration by the Committee.

The Chair introduced those present and outlined the procedure to be followed. The driver, who was in attendance at the meeting, verified his name and address and confirmed he had received a copy of the report and understood its contents.

The Licensing Manager presented a summary of the report outlining that the driver appeared before Members in relation to convictions recorded against him as shown at 1) & 2) in the report. The Committee was advised that the driver had been licensed as a Private Hire Vehicle Driver

with Middlesbrough Council since 6 November 2023. His current licence was due to expire on the 31 October 2025.

On 12 January 2025, Licensing Officers received an email from the driver, stating that he had received 3 penalty points on his driving licence for a speeding offence.

On 5 May 2025, Licensing Officers received a further email from the driver to report points on his licence.

On the 6 May 2025, a Licensing Officer replied to the driver requesting further information regarding his penalty points along with the date he had received them. On that same day the driver replied stating that he had received 6 points for a conviction dated 1 May 2025.

On 6 May 2025, a Licensing Officer carried out a check on the status of the driver's DVLA driving licence that revealed he had 9 points on his licence.

On 19 May 2025 the driver was interviewed by Licensing Enforcement Officers and provided his explanation in relation to the motoring convictions.

The driver was invited to address the Committee in support of his case and responded to questions from Members of the Committee and the Council's Legal Representative.

It was confirmed that there were no further questions and the driver and Officers of the Council, other than representatives of the Council's Legal and Democratic Services teams, withdrew from the meeting whilst the Committee determined the review.

Subsequently, all parties returned, and the Chair announced a summary of the Committee's decision and highlighted that the driver would receive the full decision and reasons within five working days.

**ORDERED** that Private Hire Vehicle Driver Licence, Ref No: 23/25, be retained, but that the driver be issued with a warning regarding his conduct, as follows:-

#### **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.
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, on this occasion, permit the driver to retain his licence, but issues a formal warning to the driver.

#### **Reasons**

5. The driver appeared before the Committee as a result of the following offences:
  - i. Exceeding speed limit on a motorway – 6 November 2024 date of conviction - £100 fine and 3 penalty points.



- ii. Breach of requirements as to control of vehicle, use of mobile phone etc. – 1 May 2025 date of conviction - £40 fine, £106 costs and 6 penalty points.
- 6. The Policy on convictions were set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
- 7. It stated in the Policy that a serious view would be taken regarding convictions for driving whilst using a mobile phone or handheld device. A licence would not usually be granted until at least five years had elapsed since the conviction.
- 8. It was clear in the Policy that the Council would generally follow the Policy but may depart from it if there were good reasons to do so.
- 9. It further stated that it may be appropriate to depart from the general Policy in some cases, for example, situations where the offence was isolated and there were mitigating circumstances.
- 10. The driver had been licensed as a Private Hire Driver with Middlesbrough Council since 6 November 2023, with his current licence due to expire on 31 October 2025.
- 11. On 12 January 2025, Licensing Officers received an email from the driver informing them that he had received 3 penalty points for a speeding offence.
- 12. On 5 May 2025, the driver emailed Licensing Officers again, to inform them that he had received 6 points on his licence for the offence listed at 2 above.
- 13. On 19 May 2025, the driver attended for interview with Licensing Officers. In relation to the first offence the driver recalled he was on an airport run during the early hours of the morning when caught by a speed camera.
- 14. The driver stated he was not immediately aware of the offence as he had gone on holiday to the Ivory Coast and not received notification until he had returned home in February. The Driver stated that upon his return to the UK, he paid the fine and immediately notified the Licensing department as soon as he was aware of the offence.
- 15. The driver stated that he had no passengers at the time and was on Cargo Fleet Lane, Middlesbrough when a private hire job had come through on his phone. The driver stated that he touched his phone to accept the job and was seen by a passing Police Officer.
- 16. The driver stated he informed the Officer that he did touch the screen but that it was to accept a job. The driver was fined at Court and points were endorsed on his licence.
- 17. At the Committee hearing, the driver stated that he did touch the screen but stressed that his phone was in a bracket not obscuring his view. The driver also stated that he understood that he had failed to notify the Licensing department within 48 hours but did notify them as quickly as he could.
- 18. The Committee understood and agreed that it could not go behind the conviction and that the two offences were not acceptable. The Committee did consider the driver's mitigating circumstances and the explanation that he gave for the offences. The Committee determined that the mitigating circumstances were overwhelming in this instance and the explanations given by the driver at the hearing.
- 19. The Committee in this instance, decided to depart from the Policy and decided that a formal warning as to the driver's behavior was appropriate to educate the driver.
- 20. The driver was reminded of the Policy expectations as well as the Code of Conduct, and that this must be adhered to going forward.
- 21. This decision was final and there was no internal or statutory route of appeal, however, the driver had the option of judicially reviewing the lawfulness of the decision to the high court if grounds had been made out. Should the driver decide by way of judicial review,

he would be advised to seek independent legal advice as to the grounds and time limits that may apply

22. Should the driver decide to take this course of action the Council would apply for any costs incurred in defending its decision.

25/18

**APPLICATION FOR PRIVATE HIRE VEHICLE DRIVER LICENCE REF:- 24/25**

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 24/25, where circumstances had arisen which required special consideration by the Committee.

The Chair introduced those present and outlined the procedure to be followed. The applicant, who was in attendance at the meeting, verified his name and address and confirmed he had received a copy of the report and understood its contents.

The Licensing Manager presented a summary of the report, outlining that the applicant appeared before Members in relation to the convictions detailed at 1) to 9) in the submitted report. In response to the question regarding previous convictions the Applicant subsequently provided a DBS disclosure certificate dated 1 April 2025 which revealed the convictions at 1) to 9) in the report.

On 1 April 2025, a Licensing Officer carried out a check on the status of the applicant's DVLA driving licence that showed endorsements recorded against him.

On 16 June 2025, the applicant attended an interview with a Licensing Enforcement Officer to explain the circumstances surrounding his convictions, and to also provide any other information in support of his application

The applicant was invited to address the Committee in support of his application and responded to questions from Members of the Committee and the Council's Legal Representative.

It was confirmed that there were no further questions and the applicant, and Officers of the Council, other than representatives of the Council's Legal and Democratic Services teams, withdrew from the meeting whilst the Committee determined the application.

Subsequently, all parties returned, and the Chair announced a summary of the Committee's decision and highlighted that the applicant would receive the full decision and reasons within five working days.

**ORDERED** that the application for a Private Hire Vehicle Driver's Licence, Ref No: 24/25, be granted, as follows:

Authority to Act

1. Under Section 51 of the Local Government Miscellaneous Provisions Act 1976 ("the Act") the Committee may decide to grant a Private Hire Vehicle driver's licence only if it was satisfied the driver was a fit and proper person to be granted such a licence.
2. The Committee considered Section 51 of the Act, the Middlesbrough Council Private Hire and Hackney Carriage Policy 2022 ("the Policy"), the report and representations made by the applicant.
3. The application was considered on its own particular facts and on its merits.
4. After carefully considering all the information, the Licensing Committee decided to grant the Application for a Private Hire vehicle driver's licence on the grounds that it was satisfied the applicant was a fit and proper person to be granted such a licence.

Reasons

5. The applicant was convicted of offences as follows:

- i. 23 December 1991- Convicted of eleven offences, including multiple counts of Taking Conveyance Without Authority (Theft Act 1968 S.12(1)), Reckless Driving (Road Traffic Act 1972 S.2), and Possessing Controlled Drugs (Misuse of Drugs Act 1971 S.5(2)) - Sentenced to 3 months in a Young Offenders Institution, concurrent sentences, driving licence endorsed.
  - ii. 3 February 1993 - Convicted of seven offences, including Taking Conveyance Without Authority and Driving Whilst Disqualified- Sentenced to 12 months Probation order subsequently varied and revoked following further offences, driving licence endorsed.
  - iii. 4 October 1993 - Convicted of six offences, including Criminal Damage Endangering Life (Criminal Damage Act 1971 S.1(2)) and Driving Whilst Disqualified - Sentenced to 30 months in a Young Offenders Institution, concurrent, Disqualification from Driving for 3 years.
  - iv. 23 June 1995 - Convicted of Aggravated Vehicle Taking on Theft Act 1968 S.12(A)- Sentenced to 9 months in a Young Offenders Institution and 12 month disqualification from driving.
  - v. 29 June 1995- Convicted of two offences of Driving Whilst Disqualified- Sentenced to 6 months in a Young Offenders Institution, concurrent driving licence endorsed.
  - vi. 10 June 1997- Convicted of two offences, including Taking a Motor Vehicle Without Consent (Theft Act 1968 S.12(1))- Sentenced to 5 months imprisonment concurrent and Disqualification from Driving for 2 years.
  - vii. 26 September 1997- Convicted of two offences of Being carried in Vehicle taken without consent and driven dangerously on Theft Act 1968 S.12A(1) and S. (4) as well as Theft of Vehicle on Theft Act- Sentenced to 18 months imprisonment, concurrent.
  - viii. 5 May 1998- Convicted of three offences, including Theft of Vehicle (Theft Act 1968 S.1) and Driving Whilst Disqualified – Sentenced to Imprisonment 4 months Concurrent sentenced to 18 months imprisonment (consecutive), disqualified from driving for 3 years.
  - ix. 11 March 2025- Convicted of one offence: Knowingly Failing to Cause Regular Attendance at School of a Registered Pupil (Education Act 1996 S.444(1A)) – Fined £120, ordered to pay £100 in costs and a £48 victim surcharge.
6. The Policy on Convictions were set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
  7. A person with a conviction, caution, reprimand or final warning issued by the Police, may not be permanently barred from obtaining a licence but should be expected to remain free from conviction or incident for an appropriate period, set out in the Policy.
  8. A licence would normally be refused if an applicant had been convicted of a serious offence involving dishonesty or had more than one conviction for a dishonesty offence, showing they were likely to be continually dishonest, regardless of the time elapsed since the conviction or completion of the sentence imposed. Theft and taking a vehicle without consent were considered dishonesty offence's as per the Policy.
  9. For a new application an applicant must produce adequate information that he was a fit and proper person to hold a licence. Simply remaining conviction free may not generally be regarded as adequate evidence that an applicant was a fit and person to hold a licence.
  10. If offences had been committed the Council would consider the nature of the offence, the age of the conviction, the age of the applicant when convicted, the sentence imposed and any other relevant factors.
  11. The application was made for the grant of a Private Hire Vehicle Driver Licence on 12 February 2025.
  12. In the application form, the applicant answered "PRE 2000 - Robbery of Motor Vehicles." to having any cautions, criminal convictions or being aware of any enquiries or investigations by the Police or Local Authority. The applicant provided his DBS Disclosure Certificate which showed the aforementioned convictions.
  13. Licensing Officers questioned the applicant on the offences in an interview and the Applicant provided a detailed explanation of past convictions, primarily occurring between

the ages of 16 and 23. These offences included vehicle-related crimes, drug possession, and driving offences, often influenced by negative peer associations and a difficult environment. The individual served multiple sentences in Young Offenders Institutions and later in prison, with the final custodial sentence in 1998 marking a turning point in his life.

14. With regard to the last offence, the applicant explained it was not included in his application due to the timing of the court case.
15. The applicant explained that since then, they had remained offence-free for 27 years, save for the latest offence, rebuilt their life, and raised a family of four children. The applicant regained his driving licence in 2015 after passing an extended test and had taken driving seriously since. The applicant further detailed that his self-employment ended in December 2024 due to financial strain, making this licence application vital for supporting his family.
16. During the committee hearing, the applicant expressed that he was eager for the opportunity to become a licenced taxi driver.
17. During the committee hearing, when questioned about the non-attendance offence, the applicant provided mitigating circumstances, explaining that his son had been experiencing bullying, which contributed to his refusal to attend school. The applicant stated that he had actively cooperated with the school and relevant professionals in efforts to resolve the issue, but these interventions were unsuccessful. He emphasised that he had made genuine attempts to encourage his son to attend, but his son consistently refused.
18. When asked about the convictions prior to 1998, the applicant explained that these offences occurred during a time when he was young, naive, and easily influenced. He acknowledged that the environment he was in and the people he associated with had a negative impact on his decisions. However, he reminded the Committee that these events took place in his youth and did not reflect the person he was today.
19. The Committee considered there were good reasons to depart from the Policy in this case.
20. The Committee accepted the applicant's account of his previous convictions. While acknowledging the seriousness of the offences, they commended the applicant for turning his life around and demonstrating a clear willingness to take responsibility, including completing the extended driving test.
21. The Committee considered that, while the most recent offence remained a criminal matter, it was concerning his child's refusal to go to school and not the applicant's behaviour, as well as being dealt with by way of a financial penalty. Members concluded that this offence did not prevent the Applicant from being regarded as a fit and proper person.
22. The Committee determined that the applicant's offences were extremely dated and that he had clearly changed his life around since his last prison sentence in 1998.
23. The Committee therefore, for the reasons above determined that the applicant was a fit and proper person to hold a licence in Middlesbrough and therefore decided to grant the licence.
24. The overriding duty and aim of the Council was to protect the public. The Committee did not see the applicant as a risk to the public, but rather they considered the applicant a fit and proper person to hold a licence and decided to grant the licence.

## LICENSING COMMITTEE

A meeting of the Licensing Committee was held on Monday 21 July 2025.

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

**OFFICERS:** J Dixon, T Durance, S Wearing, M Worrall and T Frankland

**APOLOGIES FOR ABSENCE:** Councillors P Gavigan and TA Grainge

### 25/19 DECLARATIONS OF INTEREST

There were no Declarations of Interest made by Members at this point in the meeting.

### 25/20 MINUTES - LICENSING COMMITTEE - 23 JUNE 2025

The minutes of the Licensing Committee held on 23 June 2025 were submitted and approved as a correct record.

### 25/21 LICENSING UPDATES

There were no updates to be provided.

**NOTED**

### 25/22 ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.

There were no urgent items.

**NOTED**

### 25/23 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.

### 25/24 APPLICATION FOR RENEWAL OF PRIVATE HIRE VEHICLE DRIVER LICENCE REF:- 25/25

The Director of Environment and Community Services submitted an exempt report in connection with an application for the renewal of a Private Hire Vehicle Driver Licence, Ref: 25/25, where circumstances had arisen which required special consideration by the Committee.

The Chair introduced those present and outlined the procedure to be followed. The applicant, who was in attendance at the meeting accompanied by his legal representative, verified his name and address and confirmed he had received a copy of the report and understood its contents.

The Principal Licensing Officer presented a summary of the report. It was acknowledged that the matter had been scheduled for consideration at the Licensing Committee on 23 June 2025, however, Members agreed to defer consideration to today's meeting due to the unavailability of the applicant's legal representative.

The Committee was advised that the applicant was first licensed by Middlesbrough Council on 1 June 2023. The applicant's licence was due to expire on 31 May 2025 and he submitted an application to renew the licence on 28 May 2025.

The applicant appeared before Members due to the offence listed at 1) in the report. It was noted that the applicant had notified the Licensing Office, by email, on 27 May 2025, of the offence, together with his change of address.

As previously stated, the applicant had submitted an application to renew his licence on 28 May, the day after notifying the Licensing Office of the offence at 1), however, he failed to declare this on his application form.

On 30 May 2025, during a routine check on the applicant's DVLA licence status, it showed the offence of using a vehicle uninsured against third party risks dated 26 March 2025, for which the applicant received six penalty points and £300 fine. Officers also discovered that the applicant's DVLA licence was valid from 28 March 2025.

The applicant was interviewed by Licensing Officers on 2 June 2025 when he provided an explanation in relation to the offence at 1). When questioned regarding the issue date of his DVLA licence, the applicant explained that he had notified the DVLA regarding his change of address and was accordingly issued with a new licence.

The circumstances of the offence were set out in the report which included the applicant obtaining temporary insurance cover for the vehicle in question, at the roadside, when he had been stopped by the Police. A copy of the temporary insurance documentation was appended to the report. In addition, a copy of the 'Conditional Offer of a Fixed Penalty' issued by Cleveland Police in relation to the offence was attached at Appendix 1.

The Principal Licensing Officer highlighted that one of the conditions of a Private Hire driver's licence was to notify the Council, in writing, within 48 hours of any cautions or convictions for any motoring or criminal offence. Whilst the applicant had notified the Licensing Office on 27 May 2025 of the offence at 1), the offence occurred on 26 March 2025.

A further condition on the licence was to notify the Council, in writing, within seven days of any change of name or home address. Again, the applicant had failed to comply having changed address in October 2024 but not notifying the Licensing Office until 27 May 2025.

The applicant confirmed the content of the report as being an accurate representation of the facts and was invited to address the Committee in support of his case.

The applicant's representative presented the case in support of the application and, together with the applicant, responded to questions from Members of the Committee and the Council's Legal Representative.

It was confirmed that there were no further questions and the applicant, his representative, and Officers of the Council, other than representatives of the Council's Legal and Democratic Services teams, withdrew from the meeting whilst the Committee determined the application.

Subsequently, all parties returned, and the Chair announced a summary of the Committee's decision and highlighted that the applicant would receive the full decision and reasons within five working days.

**ORDERED** that the application to renew Private Hire Vehicle Driver Licence, Ref No: 25/25, be refused, as follows:-

Authority to Act

1. Under Section 61 of the Local Government Miscellaneous Provisions Act 1976 ("the Act"), the Committee may revoke or suspend or refuse to renew 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, and on behalf of, the driver.

3. The review of the licence application for renewal was considered on its own particular facts and on its merits.

#### Decision

4. After carefully considering all the information, the Licensing Committee decided to refuse to renew the application for a Private Hire Vehicle driver's licence on the grounds that the Committee was not satisfied the applicant was a fit and proper person to be granted the licence. The reasons for the decision were as follows:-

#### 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.
6. The Policy on Convictions was set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
7. If a driver was cautioned for, or convicted of, any motoring or criminal offence or made subject to a CRASBO, ASBO or Injunction or arrested or charged with any motoring or criminal offence they must notify the Council, in writing, within 48 hours.
8. It was also clear that drivers must notify the Council, in writing, within seven days if they changed their home address or name.
9. The Policy further stated that if an applicant for a drivers licence had an endorsement in respect of a major traffic offence, including using a vehicle uninsured against third party risks, then the application would normally be refused until at least five 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 the later.
10. The applicant appeared before the Committee as a result of a conviction for an IN10 offence of using a vehicle uninsured against third party risks. The applicant was convicted on 26 March 2025 and received a £300 fine as well as six penalty points endorsed on his driving licence.
11. The applicant was first licensed as a Private Hire Vehicle driver on 1 June 2023, with such licence expiring on 31 May 2025.
12. On 27 May 2025, the applicant emailed the Council's Licensing Department to inform them that he had received six points on his licence for the aforementioned offence. The applicant further informed of a change of home address.
13. On 28 May 2025, the applicant submitted a renewal application for his Private Hire Vehicle driver's licence. In the application form, the applicant answered 'no' to having any cautions, criminal convictions or being aware of any enquiries or investigations by the Police or Local Authority.
14. Regarding the offence, the applicant informed Licensing Officers during interview that he was travelling in his mother's car as his was under repair in the garage. The car the applicant was travelling in had a headlight not working which gave the Police cause to stop him. The applicant believed he was covered to drive his mother's car as he was insured fully comprehensive on his own car insurance.
15. The applicant explained that once the Police Officer had conducted checks on his insurance, it was determined that he was not insured on his mother's vehicle and required a separate policy. The applicant immediately called his insurance company and obtained a temporary insurance document. The applicant was informed that he would be receiving a fine and either three or six points on his licence.

16. When questioned why he had answered 'no' to any convictions, cautions or investigations on the application form, the applicant stated that he was confused and thought the question was regarding any criminal convictions.
17. Further, in interview, the applicant stated that he had moved address in October 2024. The applicant admitted that it was an oversight on his part that he had not notified the Licensing Department. He stated he only realised when he had accessed his taxi online account and upon receipt of the Police letter.
18. At the Committee hearing, the applicant, through his representative, submitted that he was picking up his younger sister and that he had permission to use his mother's vehicle. It was further explained that both the applicant and his mother believed he was covered through his own insurance. The Committee was referred to the appendices of the report, specifically the insurance documents. The insurance policy document showed that the cover was obtained less than 30 minutes after the offence, and that as soon as the applicant had become aware he rectified the issue, emphasising it was unintentional and a genuine error.
19. The Committee also heard that the applicant had not purposely delayed informing the Licensing department of the offence. It was explained that he was stopped on 26 March 2025, received the fixed penalty notice documents on 7 April 2025, paid the fine on 6 May 2025, the payment was processed on 15 May 2025 and finally that he was notified on 27 May 2025 that it was finalised. The Committee heard that the applicant did not know when the 48 hour notification period would commence, and that he believed that he had notified the Licensing department promptly upon the confirmation being received on 27 May 2025.
20. The Committee noted that the applicant had an endorsement for a major traffic offence, and that in accordance with the Policy an application would normally be refused for a period of five years.
21. The Committee further considered the applicant's failure to notify the Licensing Department promptly and determined that the applicant had multiple opportunities from the date of the offence, being 26 March 2025 onwards, to do so. The Committee believed that the applicant could have notified the Licensing Department when he received the offer on 7 April 2025 or at the very least when he had made payment on 6 May 2025.
22. The Committee also concluded that it was unacceptable that it had taken the applicant around seven months to notify the Licensing Department of a change of address. The Policy was clear, any change in address should be relayed to within seven days.
23. For the reasons outlined above, the Committee concluded that the applicant was not a fit and proper person, or safe and suitable, to be licensed as a Private Hire Vehicle driver in Middlesbrough.
24. The Committee, based on the evidence it was presented with, decided there were no compelling, clear, good or exceptional reasons to depart from the Policy and refused to renew the licence for the reasons set out above.
25. If the applicant 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 magistrates for the area is the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.
26. If the applicant does appeal the decision and the appeal was dismissed by the Magistrates Court, the Council would claim its costs in defending its decision from the applicant which could be in the region of £1,000.

25/25

**APPLICATION FOR PRIVATE HIRE VEHICLE DRIVER LICENCE REF:- 26/25**

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 26/25, where circumstances had arisen which required special consideration by the Committee.



The Chair introduced those present and outlined the procedure to be followed. The applicant, who was in attendance at the meeting, verified his name and address and confirmed he had received a copy of the report and understood its contents.

The Principal Licensing Officer presented a summary of the report stating that the applicant appeared before Members due to the convictions detailed at 1) to 3) in the submitted report and confirmed that the applicant had disclosed his convictions on his application form.

The applicant was interviewed by a Licensing Officer on 7 July 2025 when he provided explanations in relation to the offences at 1) to 3) and confirmed that there were no outstanding matters of which the Council was unaware.

The applicant confirmed the content of the report as being an accurate representation of the facts and was invited to address the Committee in support of his application.

The applicant addressed the Committee in support of his application.

It was confirmed that there were no questions and the applicant, and Officers of the Council, other than representatives of the Council's Legal and Democratic Services teams, withdrew from the meeting whilst the Committee determined the application.

Subsequently, all parties returned, and the Chair announced a summary of the Committee's decision and highlighted that the applicant would receive the full decision and reasons within five working days.

**ORDERED** that the application for a Private Hire Vehicle Driver Licence, Ref No: 26/25, be refused, as follows:-

#### Authority to Act

1. Under Section 51 of the Local Government Miscellaneous Provisions Act 1976 ("the Act") the Committee may decide to grant a Private Hire Vehicle driver's licence only if it was satisfied the driver was a fit and proper person to be granted such a licence.
2. The Committee considered Section 51 of the Act, the Middlesbrough Council Private Hire and Hackney Carriage Policy 2022 ("the Policy"), the report and representations made by the applicant.
3. The application was considered on its own particular facts and on its merits.

#### Decision

4. After carefully considering all the information, the Licensing Committee decided to refuse to grant the application for a Private Hire Vehicle driver's licence on the grounds that the Committee was not satisfied the applicant was a fit and proper person to be granted the licence. The reasons for the decision were as follows:-

#### Reasons

5. The applicant was convicted on 19 December 2017 of Battery under S39 of the Criminal Justice Act 1988. The applicant was originally sentenced to a six month conditional discharge, £85.00 costs and £20.00 victim surcharge.
6. The applicant was convicted on 6 May 2018 of driving a motor vehicle with excess alcohol on 5 February 2018 under S5(1)(a) Road Traffic Act 1988. The applicant's conditional discharge was subsequently varied and the applicant was sentenced, in total, for both this offence and the battery offence, to a £60.00 fine, a £295.00 fine, £85.00 costs, £30 victim surcharge and disqualified from driving for 20 months. The applicant completed a course which reduced the driving disqualification by 20 weeks.
7. The policy on convictions was set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
8. The Policy was clear, it stated that a licence would normally be refused if an applicant had been convicted of an offence of violence against the person or connected with any offence

of violence until a period of at least ten years free of such convictions has elapsed since the completion of any sentence imposed.

9. The Policy further stated that an applicant who had a conviction for drink driving must show at least seven years free from conviction since the completion of any sentence or driving ban imposed before their application would be considered.
10. The applicant was interviewed by a Licensing Enforcement Officer on 7 July 2025. During interview, the applicant stated that regarding the first offence of battery, he and his wife were very drunk and arguing in the town centre. The applicant stated that his wife became aggressive so he took hold of her upper arms to stop her lashing out and his wife flagged down a Police Officer. The applicant was subsequently arrested and charged, despite his wife withdrawing her support of the prosecution.
11. With regard to the second offence, the applicant stated that he had bumped into some friends in Middlesbrough town centre and foolishly drunk five pints of lager with them and then agreed to drive his friend to Stockton town centre. The applicant drove to Stockton at around midnight and was pulled over by Police as he had failed to indicate when turning into a road. The Police subsequently smelt alcohol on him and his breathalyser test showed that he had blown 73, meaning he was two times over the legal limit. He was subsequently arrested and charged.
12. At the Committee hearing, the applicant stated that he had not offended since 2018 and that he and his wife have subsequently split up, he stated he has custody of his children.
13. The Committee considered the two offences and concluded that both were extremely serious. The Policy was clear where it stated a period of at least ten years free of conviction should have elapsed for an offence of violence against the person, which is what the applicant was convicted of, therefore, this ends in December 2027.
14. The Committee, for the reasons set out above, could not be satisfied that the applicant was a fit and proper person, or safe and suitable, to be licenced as a Private Hire Vehicle driver in Middlesbrough.
15. The Committee's decision to refuse to grant the licence was in accordance with the Policy and the Committee considered there were no good or exceptional reasons to depart from it on this occasion.
16. If the applicant 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 Magistrates Court for the area is: Teesside Justice Centre, Teesside Magistrates Court, Victoria Square, Middlesbrough, TS1 2AS.
17. If the applicant does appeal the decision and the appeal was dismissed by the Magistrates Court, the Council would claim its costs in defending its decision from the applicant which could be in the region of £1,000.

By virtue of paragraph(s) 1, 2, 3, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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