

## LICENSING COMMITTEE

<b>Date:</b> Monday 29th November, 2021
<b>Time:</b> 1.00 pm
<b>Venue:</b> Council Chamber

### AGENDA

1. Apologies for Absence
2. Declarations of Interest  
  
To receive any declarations of interest.
3. Minutes - Licensing Committee - 8 November 2021 3 - 6
4. 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.
5. Application for a Combined Hackney Carriage and Private Hire Vehicle Driver Licence Ref: 08/21 7 - 34
6. Review of a Private Hire Vehicle Driver Licence Ref 11/21 35 - 50
7. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Friday 19 November 2021

### MEMBERSHIP

Councillors R Arundale (Chair), E Polano (Vice-Chair), A Bell, C Cooke, S Dean, T Higgins, S Hill, C Hobson, D Jones, L Lewis, D McCabe, M Smiles, J Walker and S Walker

### **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 8 November 2021.

**PRESENT:** Councillors R Arundale (Chair), E Polano (Vice-Chair), C Cooke, S Dean, S Hill, C Hobson, M Smiles and S Walker

**OFFICERS:** S Bonner, J Dixon, C Cunningham and T Hodgkinson

**APOLOGIES FOR ABSENCE:** Councillors A Bell, T Higgins, D Jones, L Lewis, D McCabe and J Walker

21/28 **DECLARATIONS OF INTEREST**

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

21/29 **MINUTES - LICENSING COMMITTEE - 18 OCTOBER 2021**

The minutes of the Licensing Committee meeting held on 18 October 2021 were submitted and approved as a correct record.

21/30 **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.

21/31 **APPLICATION FOR A COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE REF: 08/21**

The Director of Adult Social Care and Health Integration submitted an exempt report in connection with an application for a Combined Hackney Carriage and Private Hire Vehicle Driver Licence, Ref: 08/21, where circumstances had arisen which required special consideration by the Committee.

It was highlighted that the matter had been due to be considered by the Committee at its previous meeting, however, Members deferred consideration of the matter pending further information being provided.

The Licensing Manager advised that the applicant was in attendance, however, the applicant had not informed his legal representative of the meeting. Contact had been made with his legal representative and a short adjournment was requested to wait for him to arrive.

The applicant's legal representative subsequently arrived and wished to address the Committee. The applicant's legal representative explained that he had not been advised of the meeting date and time and had not had the opportunity to prepare and, therefore, requested that the Committee defer the matter to the next meeting.

**ORDERED** that consideration of the application for a Combined Hackney Carriage and Private Hire Vehicle driver licence, Ref No 08/21, be deferred to the next meeting of the Licensing Committee on 29 November 2021, to allow the applicant the opportunity to be legally represented.

21/32 **APPLICATION FOR A COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE REF: 09/21**

The Director of Adult Social Care and Health Integration submitted an exempt report in connection with an application for a Combined Hackney Carriage and Private Hire Vehicle

Driver Licence, Ref: 09/21, 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, accompanied by his wife, was in attendance at the meeting and verified his name and address and confirmed that he had received a copy of the report and understood its contents.

The Licensing Manager presented a summary of the report. It was highlighted that the applicant had previously been licensed with Middlesbrough Council for approximately 15 years until he surrendered his licence in 2015 as a result of the convictions detailed at 1) in the report.

Members were informed that the applicant was a Hackney Carriage proprietor and continued to hold a Hackney Carriage Vehicle Licence which allowed him to hire the vehicle to other licensed drivers.

Whilst the Council no longer held records in relation to the applicant's previous driver licence history, minutes from the Licensing Committee held in April 2009 showed that the applicant's licence was suspended, due to an accumulation of penalty points, until he successfully completed the Driver Improvement Scheme. The applicant stated that he completed the course within weeks and continued to hold a Hackney Carriage Driver Licence until he surrendered it in 2015 following his convictions.

The applicant submitted a fresh application which was considered by the Licensing Committee in December 2018, but was refused on that occasion. It was highlighted that the report stated the reasons for the refusal were contained at Appendix 1, however, this had been omitted in error. Subsequently a copy of the decision letter with reasons and minutes from the December 2018 meeting were obtained and made available to Members and the Council's Legal Representative.

The Council's Legal Representative summarised the reasons for the refusal in December 2018 for the Committee's consideration and the applicant provided clarification in relation to queries raised in connection to the reasons for refusal.

The applicant confirmed that the report was 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 the application and provided a character reference. He responded to questions from Members and the Council's legal representative. The applicant's wife also spoke in support of the applicant.

It was confirmed that there were no further questions and applicant, his wife and Officers of the Council, other than representatives of the Council's Legal and Democratic Services, 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 Combined Private Hire Vehicle and Hackney Carriage Driver Licence, Ref No: 09/21, 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, Policy Guidance to Applicants, Licensed Drivers and Members of the Licensing Committee which came into force on 1 November 2019 ("the Policy"), the report and representations made by the Applicant.

The application was considered on its own particular facts and on its merits.

Decision

3. After carefully considering all of the information, the Licensing Committee decided to grant the application for a Combined Hackney Carriage and Private Hire Vehicle driver's licence on the grounds that the Committee was satisfied the Applicant was a fit and proper person to be granted the licence.

#### Reasons

4. The Applicant was convicted, on 20 April 2015, of offences involving dishonesty. Although there were two different incidents, the Committee considered after hearing the Applicant's representations they were linked.
5. The Committee noted the Applicant had previously been licensed prior to the offence as a Private Hire driver.
6. It noted that there had been an incident-free period of more than six years.
7. It noted that the Applicant had been in a position of trust dealing with property matters that involved financial trust and vulnerable people and that he produced a character reference testifying that he was such a trustworthy person.
8. It noted that the Applicant owned a Hackney Carriage, had a proprietorship licence and had no issues when he had permitted his Hackney Carriage to be used.
9. In light of the above, the Committee decided to grant the licence.

21/33

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

#### Reporting of Offences

The Licensing Manager provided the Committee with an update following on from the discussion that took place at the previous meeting in relation to Members' concerns around a number of licensed drivers failing to report offences to the Licensing Office.

The Licensing Manager confirmed that there were three occasions whereby applicants were advised of the requirement to report any cautions or convictions to the Council, in writing, within seven days. It was highlighted that the application process was completed on-line and included a 'tick box' that must be checked by applicants to confirm that they understood the requirement to report any cautions or convictions. All applicants must complete a knowledge test in order to obtain their licence and one of the questions that formed part of the test was for applicants to explain what they should do if they received a caution or conviction. Applicants could not pass the knowledge test without answering this question correctly. Furthermore, once an applicant obtained their licence, a list of driver licence conditions was provided to them which included the requirement to report any cautions or convictions, in writing, within seven days. The list of conditions was provided each time the licence was renewed.

#### Complaints

The Licensing Manager advised that the Licensing Office had received a number of complaints from members of the public regarding the availability of taxis and experiencing long waiting times for private hire vehicles. This was a trend being seen nationally and regionally. One of the reasons for this was that many drivers had left the trade due to Covid and had not returned.

Complaints had also been received in relation to price increases for private hire fares. The Licensing Manager explained that the Council had no authority over setting private hire fares and that this was set by the private hire operators. The Council was only responsible for setting fares in respect of Hackney Carriages.

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