

**LICENSING COMMITTEE**

A meeting of the Licensing Committee was held on Monday 3 April 2023.

**PRESENT:** Councillor E Polano (Vice-Chair), S Hill, C Hobson, J Platt (Substitute) (Substitute for A Bell) and M Smiles.

**OFFICERS:** S Bonner, B Khan and T Hodgkinson

**APOLOGIES FOR ABSENCE:** Councillors R Arundale, A Bell, S Dean, N Gascoigne, T Higgins, D Jones, L Lewis, D McCabe and J Walker

21/31 **DECLARATIONS OF INTEREST**

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

21/32 **MINUTES - LICENSING COMMITTEE - 13 MARCH 2023**

The minutes of the Licensing Committee meeting held on 13 March were submitted and approved as a correct record.

21/33 **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.

21/34 **APPLICATION - PRIVATE HIRE VEHICLE DRIVER LICENCE - REF NO: 04/23**

The Director of Adult Social Care and Health Integration submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence Ref: 04/ 23.

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 confirmed a copy of the report and understood its contents.

The Licensing Manager presented a summary of the report, outlining that the applicant appeared before Committee in relation to the offence detailed at 1).

The applicant was interviewed by a Licensing Enforcement Officer on 8 March 2023 when he provided an explanation for the offence detailed at 1).

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 presented the case in support of his application and responded to questions from 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, 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 Private Hire Vehicle driver licence, Ref No: 04/23, be refused.**

Authority to Act

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 is satisfied the driver is a fit and proper person to be granted such a licence.

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 and his representative.

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

### Decision

After carefully considering all the information, the Licensing Committee decided to refuse the Application for a Private Hire vehicle driver's licence on the grounds that it was not satisfied the Applicant was a fit and proper person to be granted such a licence.

### Reasons

The Policy requires a conviction free period of at least 5 years for a caution issued by the police for a drug related non – driving offence. The Applicant had 2 cautions on the 31 October 2018 for (1) possessing controlled drug Class B (cannabis) and (2) possessing controlled drug Class A (cocaine). The 5 year period had not lapsed and the Committee were to consider if there was any good reason to depart from the policy.

The Applicant previously admitted to having been addicted to drugs, namely cannabis and cocaine for a period of 6-7 years. The Applicant claimed he had not consumed any cannabis or cocaine for the last 3 years.

However, the Applicant applied for a Private Hire vehicle driver's licence at Wolverhampton Council on the 20 April 2021. He was required to take a drug test by Wolverhampton Council. On the 04 August 2021, the Applicant failed a drug test which showed positive readings of cocaine. The Applicant stated the test may have been tampered with or the medication (he was on at the time) may have triggered a positive result. The Applicant could not provide the Committee with any other evidence in support of his sobriety.

Whilst the Applicant made submissions on the day relating to the difficulties he faced in his upbringing, environment and a number of physical and mental health issues, the Committee did not consider those reasons to be enough to depart from the Policy.

The Committee has therefore had no reliable information in relation to the Applicant's suitability to hold a licence which is a position of trust and could not put the public to such a risk.

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

If the Applicant does appeal the decision and the appeal is dismissed by the Magistrates Court, the Council will claim its costs in defending its decision from the Applicant which could be in the region of £1000.