

LICENSING COMMITTEE

Date: Monday 15th April, 2024
Time: 1.00 pm
Venue: Mandela Room

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Licensing Committee - 18 March 2024 3 - 6
4. Update - Licensing Appeals

The Licensing Manager will provide a verbal update, if applicable, on any Licensing decisions that have been appealed since the last meeting of the Committee.
5. Any other urgent items which in the opinion of the Chair, may be considered.
6. 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 7s 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.
7. Review - Private Hire Vehicle Driver Licence - Ref: 05/24 7 - 26
8. Review - Private Hire Vehicle Driver Licence - Ref: 06/24 27 - 38

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Friday 5 April 2024

MEMBERSHIP

Councillors L Lewis (Chair), S Hill (Vice-Chair), S Dean, J Cooke, C Cooper, D Jones, J Kabuye, T Livingstone, L Mason, J McTigue, A Romaine, M Saunders, P Storey and J 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 / scott_bonner@middlesbrough.gov.uk

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on 18 March 2024.

PRESENT: Councillors: Lewis (Chair), Hill (Vice Chair); J Cooke, Cooper, Dean, Jones, Kabuye, Livingstone, Mason and Romaine.

OFFICERS: J Dixon, B Khan and T Hodgkinson.

PRESENT AS OBSERVERS: J Arbuckle – Licensing
T Durance – Legal Services

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors: McTigue, Saunders, P Storey and J Walker.

**** DECLARATIONS OF MEMBERS' INTERESTS**

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

MINUTES - LICENSING COMMITTEE - 26 FEBRUARY 2024

The minutes of the previous meeting of the Licensing Committee, held on 26 February 2024, were submitted and approved as a correct record.

LICENSING APPEALS

The Licensing Manager provided the Committee with a verbal update on Licensing Committee decisions that had been appealed since the previous meeting.

It was confirmed that there had been no appeals made in relation to taxi licensing matters, however, an appeal had been lodged in respect of a Sub Committee decision to revoke following a review of a Premises Licence.

NOTED

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.

APPLICATION – PRIVATE HIRE VEHICLE DRIVER LICENCE – REF: 04/24

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 04/24, 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 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 outlining that the applicant appeared before the Committee due to his convictions, detailed at 1) to 8) in the report.

The applicant was interviewed by a Licensing Enforcement Officer on 14 February 2024 when he provided explanations in relation to the convictions at 1) to 8) and confirmed that there were no

other outstanding matters of which the Council was aware.

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 had provided a written character reference in support of his application which was circulated to Members, with the permission of the Chair.

The applicant addressed the Committee and responded to questions from Members.

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 Private Hire Vehicle Driver Licence, Ref No: 04/24, be granted.

Authority to Act

1. Under Section 51 of the Local Government Miscellaneous Provisions Act 1976 ("the Act") the Committee may grant a licence to drive private hire vehicles provided the applicant is a 'fit and proper person'.
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 Committee also considered whether there was good reason to depart from the Policy given the history of convictions by the applicant.
4. The application was considered on its own particular facts and on its merits.

Decision

5. After carefully considering all the information, the Licensing Committee decided to grant the Private Hire vehicle driver's licence.

Reasons

6. The applicant admitted to seven serious convictions in 2013. These could be summarised as possession of drugs (Class A and B) offences as well as breach of community orders.
7. The applicant had served time in prison as a result.
8. The applicant addressed the incidents above and the Committee asked questions regarding the incidents.
9. Members had to consider whether to depart from the Policy which reads as follows:-

"An applicant with an isolated conviction, caution, reprimand or final warning issued by the Police, for a drug related non-driving offence, should be required to show a period of at least five years free of conviction, caution, reprimand or final warning since the completion of any sentence imposed before an application is considered. If the conviction, caution, reprimand or final warning relates to the supply of controlled drugs; possession with intention to supply controlled drugs; the production of controlled drugs (for commercial purposes) or importing drugs then the application will be refused until at least 10 years have elapsed since the completion of any sentence.

In addition, a licence will normally be refused if an applicant has more than one conviction for drugs related offences.”

10. Therefore, according to the Policy, the applicant would typically be refused as there was more than one conviction for a drug-related offence.
11. In considering departing from the Policy, Members' reasons for doing so were as follows:-
 - a) The applicant showed genuine remorse and regret for his actions and advised the Committee of his surroundings at that time. He stated that his group of friends at the time were a bad influence and he made the decision 11 years ago to move away from the area to escape this.
 - b) He had been working as a mechanical fitter for the last six years which demonstrated his maturity.
 - c) The applicant had abstained from any other serious convictions since 2013.
 - d) More than 10 years had lapsed since the incidents. The Committee considered it appropriate to isolate the incidents to one period of time (namely 2013).
 - e) The applicant now had a family and more responsibilities.
 - f) The applicant appeared to be a fit and proper person.
12. The Committee considered it appropriate, given the above circumstances, to depart from the Policy and grant the Private Hire Vehicle driver licence.
13. A decision was also made by the Committee to ensure the applicant was appropriately and randomly drug tested throughout his time operating under the Private Hire licence - the details of which would be determined by the Licencing Department.

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