

## LICENSING COMMITTEE

<b>Date:</b> Monday 9th December, 2024
<b>Time:</b> 1.00 pm
<b>Venue:</b> Mandela Room

### AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Licensing Committee - 18 November 2024 3 - 8
4. Licensing Appeals
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 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.
7. Review of Private Hire Vehicle Driver Licence Ref: 21/24 9 - 20
8. Application for Private Hire Vehicle Driver Licence Ref: 22/24 21 - 34

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Friday 29 November 2024

## MEMBERSHIP

Councillors L Lewis (Chair), S Hill (Vice-Chair), J Cooke, C Cooper, P Gavigan, D Jones, J Kabuye, T Livingstone, L Mason, A Romaine, M Saunders and P Storey

### **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 Monday 18 November 2024.

**PRESENT:** Councillors L Lewis (Chair), J Cooke, C Cooper, P Gavigan, D Jones, J Kabuye, T Livingstone and A Romaine

**OFFICERS:** S Bonner and T Durance

**APOLOGIES FOR ABSENCE:** Councillors S Hill, M Saunders and P Storey

24/39 **DECLARATIONS OF INTEREST**

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

24/40 **MINUTES - LICENSING COMMITTEE - 21 OCTOBER 2024**

The minutes of the Licensing Committee meeting held on 21 October 2024 were submitted and approved as a correct record.

24/41 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None.

24/42 **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.

24/43 **REVIEW OF PRIVATE HIRE VEHICLE DRIVER LICENCE REF:- 20/24**

The Director of Environment and Community Services submitted an exempt report in connection with a review of a Private Hire Vehicle Driver Licence, Ref: 20/24, where circumstances had arisen which required consideration by the Committee.

The Chair introduced those present and outlined the procedure to be followed. The Driver, who was in attendance 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 outlining that the Driver had been licensed as a Private Hire Driver with Middlesbrough Council since 16 January 2024. His current licence was due to expire on the 31 December 2024.

The Driver appeared before Members because of an incident arising on the 9 June 2024 which raised concerns over his suitability to be a Licensed Private Hire Driver with Middlesbrough Council.

Members were advised that a significant amount of time had elapsed since the incident in question. The delay in placing the matter before committee was due to several technical issues encountered when trying to view the CCTV footage and for circumstances beyond the Officer's control.

Members were advised that on 10 June 2024, Stockton Council provided CCTV footage to Middlesbrough Council's licensing officers which appeared to show a Middlesbrough Licensed taxi being driven in a manner that fell far below the standard of what was expected of a licensed hackney carriage or private hire driver.

The CCTV footage dated 9 June 2024, covered the area of Yarm Lane, Stockton on Tees, near to the junction of Stockton High Street. An incident timed at 12.35am was shown whereby a vehicle strongly suspected of being a Middlesbrough Licensed Vehicle was seen on Yarm Lane, Stockton on Tees.

The footage showed a vehicle drive onto Yarm Lane and then out of sight before reappearing several seconds later. At that point the vehicle could not be identified because the CCTV camera did not zoom onto the registration plate. The vehicle then proceeded to reverse back into view and drive forward onto West Row pointing in the direction of Ramsgate after which the vehicle stopped.

A male riding a push bike and a male carrying a transparent bag with a dog could be seen on the footage. The male on the push bike could be seen to ride on the foot path in front of a row of shops while the male with the dog appeared to engage one of the occupants of the vehicle in conversation. A few seconds later a male passenger could be seen leaving the taxi and running after the male cyclist who gathered speed to exit the area covered by the CCTV camera.

The CCTV footage then located the male riding the push bike travel past the Thomas Sheraton pub along Bridge Street at 12.36am. Shortly after this, at 12.37am, separate CCTV footage showed the taxi in rapid pursuit of the male cyclist in Park Terrace. The taxi was unable to catch up with him. At 12.42am, the CCTV operator located the same taxi driving along Boathouse Lane, and at this point the operator zoomed in to record the front number plate of the taxi and the licence plate number.

On 21 of August 2024, the Driver attended Middlesbrough House and was spoken to by Licensing Enforcement Officers to discuss the incident. During that conversation the Driver was shown the CCTV footage obtained from Stockton Council where he confirmed that the Black Skoda Octavia captured in the CCTV footage was driven and controlled by him, he also confirmed that he was driving this vehicle during the incident.

Both the Driver and the Committee confirmed they had no questions on the content of the report.

At this point in the meeting Members were shown the CCTV footage of the incident described in the report. There were no questions from the Driver or Members about the CCTV footage.

The Driver, with support from his legal representative, addressed the committee in support of the review. As part of those representations Members were asked to consider several points. This included clarification around the entry on the booking system that read "recovered." It was explained that this entry was due to the Driver completing an amended journey, at the request of the passenger, after which he switched his phone off at the end of his shift. This meant the job was not cleared from the system as normal.

The male cyclist identified in the CCTV footage was previously known to the driver. The individual in question had previously burgled the Driver's taxi and stolen items of sentimental value.

The Driver had finished his shift and as such the passengers in his taxi at the time of the incident were associates and not passengers. The Driver was aware of the rules regarding private hire vehicles.

The encounter with the male cyclist was coincidence rather than design, as he happened to be in the same area of Stockton High Street the Driver and his associates often frequented. The Driver first saw the cyclist at the top of the High Street, and, despite the CCTV footage, there was no discussion between the Driver and cyclist.

The Driver drove to Boat House lane as one of his associates needed the toilet. It was also clarified the driver had not had any interaction with the cyclist since the incident as the cyclist was now in prison.

Members were provided with context around the Driver's personal and professional life which included employment in several security settings. It was explained that driving taxis was

flexible enough for the Driver to regularly check on his father who was in poor health.

Before the incident in question the Driver had a clean driving licence and there had been no other incidents or criminal convictions.

The Chair thanked the Driver and his legal representative for their representations.

The Driver and his legal representative 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 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: 20/24, be revoked with immediate effect.

#### 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 has been convicted of an offence involving dishonesty, indecency or violence;
  - Since the grant of the licence the Driver has committed an offence or breached the Act or the Town Police Clauses Act 1847;
  - for any other reasonable cause.
2. Under Section 61(2B) of the Act, if it appears to be in the interests of public safety, the Committee can decide that the revocation is to have immediate effect.
3. 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.
4. The review of the licence was considered on its own particular facts and on its merits.

#### Decision

5. After carefully considering all of the information the Licensing Committee decided to revoke the Driver's private hire vehicle drivers' licence on the grounds of any other reasonable cause. It decided that the revocation was to have immediate effect in the interests of public safety under section 61(2B) of the Act.

#### Reasons

6. 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.
7. The Policy confirmed that criminal convictions were not the only criteria used when considering whether an individual was a fit and proper person to be licensed. The Council could consider circumstances of concern even though a conviction had not been obtained or the conduct did not amount to a criminal offence. In assessing the action to take, the safety of the travelling public must be the paramount concern.
8. A licensed driver should be courteous, avoid confrontation, not exhibit prejudice, not take the law into their own hands and demonstrate conduct befitting to the trust that is placed in them.
9. The Policy on Convictions were set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
10. If a Licensee had driven unsafely as a result of minor traffic offences or had upheld complaints about his driving standards, putting the public at risk, depending on the severity of the risk, the Council may suspend the licence or revoke the licence. In view

that unsafe driving was a risk to public safety a suspension or revocation may take immediate effect.

11. A licensed PHV or taxi driver was expected to be a trustworthy person. It was an offence for any person to knowingly or recklessly make a false declaration or to omit any material particular in giving information required in the application process. Where an applicant had made a false statement or given a false declaration on their application, the licence would normally be refused.
12. Applicants or existing licence holders that were found to have intentionally misled the Council, or lied as part of the application process, would not be issued with a licence.
13. The Driver was first licensed as a Private Hire Vehicle Driver with the Council on 16 January 2024.
14. On 10 June 2024, Licensing Officers were made aware of an incident that had occurred a day earlier, whereby the Driver had been captured on CCTV footage pursuing a cyclist through Stockton Town Centre in a manner falling far below the required standard for a private hire driver.
15. The incident started at around 12:30am and footage showed a confrontation between a passenger of the Driver's vehicle and a cyclist. Following this the passenger pursued on foot before the Driver picked the individual up in the vehicle and they set off in the direction of the cyclist. The footage then showed the Driver braking towards a red light, however before the light changed, the Driver entered the junction appearing to run a red light.
16. Further CCTV footage showed the Driver in rapid pursuit of the cyclist, chasing them in a dangerous manner across a car park, before the cyclist managed to make an escape across a pavement and onto another road.
17. During interview with the Licensing Officers, the Driver stated that on the night in question, he was on a job, and the customers he had in the vehicle recognised the cyclist as a well-known local criminal. The Driver stated he did not know the customers. The Driver admitted that he did know the cyclist as he had stolen a number of items from the Driver after breaking into his car a few days earlier.
18. The Driver told Licensing Officers that he drove to the input address to complete the job but that once the cyclist had been sighted, he was being pressured by the passengers to chase. The Driver further stated that he was scared and apprehensive, he felt as though the passengers were under the influence of alcohol and drugs.
19. The Driver repeatedly told Licensing Officers that he only followed the cyclist because he was scared of the passengers, and further stated that he didn't really speak with the passengers during the incident.
20. On Friday 15 November 2024, Licensing Officers approached the Driver's operator and requested a copy of the Drivers booking history. A staff member from the operator confirmed that the Driver's last job was at 22:39pm on Saturday 08 June 2024 and the next job after this was on Monday 10 June 2024 at 5:30am. Therefore, the Driver did not have a booking at the time of the incident, as he had claimed.
21. At the committee hearing, the Driver clarified that in fact it was friends in the vehicle with him during the incident and not customers. The Driver stated that due to the time that had passed, he could not fully recall whether he was on a job or not and could not recall the full events from the incident, that's why he had claimed he had customers in the car.
22. Upon seeing the footage during the committee, the Driver stated that although it was tight, he did not run a red light. Further the Driver stated that he had no intention to hit the cyclist, he only wanted to catch up with him to ask for his personal items back.
23. The committee based on the evidence they were presented with, decided that the Driver was dishonest not to disclose/declare the full facts of the incident.
24. The committee believed that the Driver had been dishonest with Licensing Officers in his interview and once the information regarding bookings was known, the committee believed that the Driver quickly changed his story at the hearing. The committee took the view that the Driver had sufficient opportunity to provide the correct information to the Officers but chose not to, instead lying to Officers when telling them he was being pressured by unknown customers to chase the cyclist.
25. The committee was also extremely concerned about the standard of driving following review of the CCTV. The committee believed the driving was erratic and dangerous and not the standard expected of a licensed driver. Of particular concern to the committee was that the Driver appeared to run a red light and the rapid pursuit across the car park. The committee did not think that the Driver had taken responsibility for the driving and believed he instead made excuses.
26. The committee believed that the driving standard shown in the CCTV footage put the

- public at risk and that it was lucky that nobody was seriously injured.
27. In line with the Policy, the committee deemed that due to the dishonesty and standard of driving, the Driver was not a 'fit and proper' person and therefore the decision was made to revoke the Driver's licence with immediate effect for the safety of public.
  28. If the Driver was aggrieved by the decision he could 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.
  29. If the Driver did appeal the decision and the appeal is 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.

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