

LICENSING COMMITTEE

Date: Monday 12th May, 2025 Time: 1.00 pm Venue: Mandela Room
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AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Licensing Committee - 28 April 2025 3 - 10
"To Follow".
4. Licensing Updates

The Licensing Officer will provide a verbal update, if applicable, on any licensing appeals that have been made 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 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. Application for a Private Hire Vehicle driver licence, Ref No: 17/25 11 - 40

Charlotte Benjamin
Director of Legal and Governance Services

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 28 April 2025.

PRESENT: Councillors: Lewis (Chair), Hill (Vice Chair), Cooper, Jones, Kabuye, Livingstone, Romaine and Saunders.

OFFICERS: J Dixon, T Durance, T Hodgkinson and M Worrell.

PRESENT AS AN OBSERVER: C Jones – Democratic Services.

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors: Cooke, Gavigan and P Storey.

** DECLARATIONS OF MEMBERS' INTERESTS

Name of Member	Type of Interest	Nature of Interest
Councillor Livingstone	Non-pecuniary	Agenda Item 8 (Ref 15/25) – Applicant's character referee known to Councillor.
Councillor Romaine	Non-pecuniary	Agenda Item 8 (Ref 15/25) – Applicant known to Councillor's family members.

MINUTES - LICENSING COMMITTEE – 7 APRIL 2025

The minutes of the previous meeting of the Licensing Committee, held on 7 April 2025, were submitted and approved as a correct record.

UPDATE – LICENSING APPEALS

There were no updates to be provided.

NOTED

ANY OTHER URGENT ITEMS WHICH, IN THE OPINION OF THE CHAIR, CAN BE CONSIDERED

There were no urgent items.

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: 14/25

The Director of Environment and Community Services submitted an exempt report in connection with the an application for a Private Hire Vehicle Driver Licence, Ref: 14/25, 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 due to the conviction listed at 1) in the report.

It was highlighted that the applicant was previously licensed with Middlesbrough Council from October 2018 until March 2023 when his Combined Hackney Carriage and Private Hire Vehicle driver licence was revoked by Officers, with immediate effect, due to the offence at 1). This followed information received from Cleveland Police that, on 8 February and 10 February 2023, the applicant had been arrested for "Drive a motor vehicle with the proportion of specified controlled drug above specified limit." A copy of the revocation letter sent by the Licensing Manager was attached at Appendix 1.

The applicant was interviewed by a Licensing Officer on 15 November 2024 when he provided explanations in relation to the circumstances surrounding his arrest on 10 February 2023 and confirmed that there were no outstanding matters of which the Council was unaware. The applicant was also informed during interview that, in accordance with the Council's Policy Guidance on convictions, he was still within the conviction period as the Policy stated that applicants with drug-driving related offences should be required to show a conviction-free period of seven years from the completion of any sentence.

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 presented his case 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 Licence, Ref No: 14/25, 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 15 August 2023, of driving a motor vehicle with the proportion of specified controlled drug above the specified limit. The applicant was disqualified for driving for 12 months, received a fine of £192.00, a victim surcharge of £77.00 and £85.00 legal costs for the offence.
6. The Policy on convictions was set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
7. The Policy was clear, it stated that an applicant with a conviction, caution, reprimand or final warning issued by the Police for a drug-driving related offence should be required to show a

period of seven years free of conviction since the completion of any sentence or driving ban imposed before any application was considered.

8. The applicant confirmed during the Committee hearing that his driving ban ended on 15 August 2024, thus in accordance with the Policy, his relevant period to remain conviction free will end in August 2031.
9. The Committee heard that the applicant held a Combined Hackney Carriage and Private Hire Vehicle Driver Licence from 31 October 2018 to 3 March 2023, when it was revoked with immediate effect due to the alleged offence leading to the applicant's conviction. This followed information from Cleveland Police that the applicant had been arrested for alleged drug driving offences.
10. The applicant met with a Licensing Officer on 15 November 2024 to discuss the feasibility of reapplying for a Private Hire licence. He was notified by the Officer on this occasion that he was within the conviction period, as outlined in the Policy in relation to previous convictions. In any event, an application was made.
11. The Committee heard that the applicant was stopped by Cleveland Police Officers on two occasions - on 7 and 10 of February.
12. On the first occasion, the applicant returned a positive drug test during a roadside swab, further during a search of the vehicle, Police Officers found a sports bag containing drug paraphernalia. The applicant was taken to Middlesbrough Police Station where he underwent a blood test, this revealed a THC reading of 2.9 ug/L. The applicant was charged and sentenced as aforementioned for this offence.
13. On the second occasion, the applicant was stopped again by the same Police Officer. A further roadside drug test was taken, and a positive result was returned. The applicant received no further action for this.
14. The Committee heard from the applicant that he never intentionally meant to break the law and that, at a social gathering, he had some of his friend's vape, which unbeknown to him contained THC. The applicant explained he deeply regretted the situation and that he had learnt his lesson following the incident.
15. With regards to the sports bag containing drug paraphernalia, the applicant stated that it was not his bag and that it belonged to a friend who must have left it in his car prior to the social gathering.
16. Based on the evidence presented, the Committee found that the applicant was not a fit and proper person to hold a private hire licence in Middlesbrough. The Committee determined that the applicant failed to take responsibility for the incidents and the situation he found himself in. The Committee found it difficult to accept the applicant's version of events given the applicant was arrested for a drug driving offence and drug paraphernalia was found in his car.
17. The Policy was clear and when reading it in line with the facts of the application, it was clear that the applicant was not seven years conviction-free.
18. The 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. The Committee, for the reasons above, could not be satisfied the applicant was a fit and proper person or safe and suitable to be licenced as a private hire vehicle driver in Middlesbrough.
19. 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 Teesside Justice Centre, Teesside Magistrates Court, Victoria Square, Middlesbrough, TS1 2AS.
20. If the applicant did 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.

**** DECLARATIONS OF INTEREST**

At this point in the meeting, Councillor Livingstone declared a non-pecuniary interest in relation to the following item as he knew the individual who had provided a character reference for the applicant. Councillor Livingstone withdrew from the meeting.

Councillor Romaine declared a non-pecuniary interest in relation to the following item as the applicant was known to a member of the Councillor's family. Councillor Romaine withdrew from the meeting.

APPLICATION – PRIVATE HIRE VEHICLE DRIVER LICENCE – REF: 15/25

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 15/25, 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 stating that the applicant appeared before Members due to the conviction listed in the submitted report and it was highlighted that he had failed to declare the conviction in his application.

The applicant was interviewed by a Licensing Officer on 3 April 2025 when he provided an explanation of the circumstances regarding his conviction and confirmed that there were no outstanding matters of which the Council was unaware.

A character reference in support of the applicant was attached at Appendix 1.

Licensing Officers made enquiries with Trading Standards Officers in relation to the circumstances surrounding the legal proceedings taken against the application in relation to the offences and conviction recorded against him. Appendix 2 was an account of the dealings Trading Standards Officers' had in relation to the matter.

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 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 Licence, Ref No: 15/25, 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 22 December 2017 of the following offences:
 - a. 3 x Possess goods with false trademark for sale or hire on 5 August 2016. Trade Marks Act 1994 S 92(1)+S.92(6).
 - b. Distributor Expose/Possess for Offer/Agree/Supply a dangerous product to any person on 5 August 2016. General Product Safety Regulations 2005 S 8(1)(A).
6. For the offences, the applicant was sentenced, in total, to a 12-month Community Order running until 21 December 2018, 120 hours unpaid work, £85 Victim surcharge, £400 costs and forfeiture and destruction of cigarettes.
7. The Policy on convictions were 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 licensed Private Hire driver was expected to be a trustworthy person and a serious view was taken of any conviction for dishonesty. In general, for an isolated conviction for any offence where dishonesty was an element of the offence, a licence would not be granted until at least seven years had elapsed since the completion of any sentence imposed.
9. The Policy further stated that 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.
10. During the application process, the applicant failed to disclose the aforementioned convictions.
11. The applicant was interviewed by a Licensing Enforcement Officer on 3 April 2025. During interview, the applicant stated he did not know, at the time, it was an offence to sell counterfeit cigarettes, he did not know the owner of the shop and he now understood that the sale of illicit and illegal products was a criminal offence.
12. The applicant further stated that he was helped through his application by his prospective employer and that he did not understand the question about convictions. The Licensing Officer further questioned the applicant about his lack of understanding of the declaration as to previous convictions in the application form and whether he had asked staff at the prospective employer to help him. The applicant offered no explanation in response to the Officer's question.
13. The Committee heard from the applicant, during the hearing, that he genuinely thought it was okay to sell the products. The applicant explained that he wanted to obtain a licence to improve his quality of life.
14. The Committee did not look favourably on the applicant's failure to declare his previous convictions on the application form and also determined that the offence was at least an offence with an element of dishonesty.
15. In line with the Policy on relevant convictions, and when applying this to the facts, at a minimum, the relevant period for the applicant to remain conviction free would end in December 2025.
16. It was noted, however, in its decision, the Committee did give consideration to whether the offence was one of serious dishonesty.

17. Notwithstanding, 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.
18. The Committee, for the reasons above, could not be satisfied the applicant was a fit and proper person or safe and suitable to be licenced as a Private Hire Vehicle driver in Middlesbrough.
19. 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 Teesside Justice Centre, Teesside Magistrates Court, Victoria Square, Middlesbrough, TS1 2AS.
20. If the applicant did 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.

** At this point in the meeting, Councillors Livingstone and Romaine returned.

APPLICATION – PRIVATE HIRE VEHICLE DRIVER LICENCE – REF: 16/25

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 16/25, 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 3) in the submitted report. As part of his application, the applicant had stated 'See DBS' in response to the question regarding previous convictions and he subsequently provided a DBS disclosure certificate which revealed the convictions at 1) to 3) in the report.

The applicant was interviewed by a Licensing Officer on 14 April 2025 and confirmed that there were no outstanding matters of which the Council was unaware. The applicant stated that he was previously licensed with Middlesbrough Council more than 10 years ago but was unable to recall when. The applicant provided explanations in relation to the offences at 1) to 3) although he was unable to recall anything in relation to the offence at 2).

Licensing Officers made further checks in relation to the applicant's disclosure that he was previously a licenced driver with Middlesbrough Council, however, no record was found due to the Council's retention policy and the fact that he had been licenced more than 10 years ago.

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 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: 16/25, be granted with a warning regarding the applicant's future conduct, 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 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. The Licensing Committee decided to grant the licence with a warning.

Reasons

5. The applicant was convicted of three offences as follows:
 - a. Handling Stolen Goods (undertaking to assisting in retention, removal, disposal or realisation) on Theft Act 1968 S22(1) - 03 February 1997 – 6 months imprisonment.
 - b. Destroy or damage property (value of damage £5000 or less) – offence against Criminal Damage Act 1971 s1(1) – 07 August 2013 – Supervision requirement community order, £150.00 costs, compensation of £15.00, unpaid work requirement and £60.00 victim surcharge.
 - c. Failure to comply with requirements of a community order on Criminal Justice Act 2003 – 01 December 2014 - £10.00 fine.
6. The Policy on Convictions was 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, as set out in the Policy.
8. 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 proper person to hold a licence.
9. 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.
10. 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.
11. However, the Committee decided to depart from its Policy on this particular occasion as it considered there were good reasons to do so, as set out below.
12. The application was made for the grant of a Private Hire Vehicle Driver Licence on 16 December 2024.
13. The applicant provided a DBS Disclosure Certificate which revealed the convictions as set out above, recorded against him.

14. On 14 April 2025, the applicant attended an interview with a Licensing Enforcement Officer to enable him to explain the circumstances regarding the convictions.
15. The applicant advised that he had previously been a licensed driver with Middlesbrough Council over 10 years ago. The applicant also explained that following an altercation, for which he was found not guilty, he had his licence revoked.
16. Following subsequent checks of the archived records, Officers could find no record of the applicant having a licence with the Council or that it had been revoked. Although a Licensing Officer did recall the applicant being previously licensed.
17. The Committee heard that in respect of offence one, the applicant was eighteen at the time of the offence and that a friend had left a pair of speakers in his flat, which unbeknown to him, were stolen goods. The applicant recalled being arrested and, after advice from his solicitor at the time, he was advised to plead guilty to handling stolen goods or face being charged with burglary.
18. In respect of offence two, the applicant stated he had no recollection about the offence and what was damaged. The applicant maintained this position when asked about the offence at the Committee hearing.
19. In respect of offence three, the applicant stated that this was due to a mix up with his probation community service and that he had told them he was unable to work mornings due to his new job.
20. During the Committee the applicant stated that he had since changed his life and has stayed out of trouble since his last conviction.
21. The Committee found that the convictions against the applicant were serious and that one of those offences involved dishonesty.
22. In line with the Policy, a licence would normally be refused if an applicant had been convicted of a serious offence involving dishonesty, in this instance, the handling stolen goods offence.
23. However, the Committee determined that this offence was extremely dated, and over 28 years ago. Furthermore, the Committee found that the applicant was only 18 at the time of the offence.
24. As for the second and third offences, again the Committee determined that they were dated and did not wish to continue to punish the applicant. The Committee found that the applicant had subsequently changed his ways after these offences.
25. The Committee considered the applicant a fit and proper person to hold a licence.
26. Therefore, the Committee decided to grant the licence but issue an official warning with the granting of the same. The warning aimed to emphasise to the applicant that any further incident may risk his licence being revoked and could be a factor in any future licensing decision, should the applicant find himself before the Committee again.
27. This decision was final and there was no internal or statutory route of appeal, however, the licensee had the option of judicially reviewing the lawfulness of the decision to the high court if grounds had been made out. If the Licensee decided to challenge the decision by way of judicial review he may wish to seek independent legal advice as to the grounds and time limits that may apply. If the Licensee decided to take this course of action, the Council would apply for any costs it incurred in defending its decision.

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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