

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on 8 January 2024.

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

OFFICERS: J Dixon, B Khan and T Hodgkinson.

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

**** DECLARATIONS OF MEMBERS' INTERESTS**

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

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.

REVIEW – PRIVATE HIRE VEHICLE DRIVER LICENCE – REF: 01/24

The Director of Adult Social Care and Health Integration submitted an exempt report in connection with the review of Private Hire Vehicle Driver Licence, Ref: 01/24, where circumstances had arisen which required special consideration by the Committee.

The Chair introduced those present and outlined the procedure to be followed. The driver, accompanied by his representative, 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, and firstly highlighted that the date on page 5 of the report, "18 June 2023" should be 18 June 2021. The report outlined that the driver had applied for a Private Hire Vehicle driver licence to Middlesbrough Council in October 2023. Having successfully completed the application process, the licence was issued to him, however, it subsequently came to light that the driver had previously held a Private Hire Vehicle driver licence with Redcar and Cleveland Council, which was revoked on 18 June 2021 following an incident where it was alleged that the driver had been involved in a confrontation with a group of youths and had spat at a teenage girl.

It was accepted that there had been an administrative error on the part of Middlesbrough Council as the National Register of Taxi and Private Hire Licence Revocations and Refusals had not been checked. It was noted, however, that the driver had not disclosed the revocation of his licence by Redcar and Cleveland Council on his application form.

As a result of the licence being issued by Middlesbrough Council in error, the driver voluntarily agreed not to commence working as a Private Hire Vehicle driver until such time that the matter had been resolved.

Further enquiries with Redcar and Cleveland Council revealed that Licensing Officers were made aware of an incident that had occurred in June 2021, and had been circulating on social media, showing the driver confronting a group of teenagers and spitting and a female teen. The video footage was no longer available. Redcar and Cleveland Officers stated that as a result of the incident a decision was made to revoke the driver's licence, with immediate effect, and a letter, dated 18 June 2021, was sent to the driver advising him of this (copy attached at Appendix 1). Redcar's records showed that the driver's badges were received by their Licensing Office on 24

June 2023.

The driver, accompanied by a Licensing Consultant, was interviewed by the Licensing Manager on 21 December 2023. There appeared to be a dispute as to whether the driver had surrendered his licence to Redcar and Cleveland prior to their decision to revoke it.

The driver confirmed that the report was an accurate representation of the facts and was invited to address the Committee in support of his case.

The Licensing Consultant presented the case on behalf of the driver and advised that he had full knowledge of the incident in 2021 and provided details to the Committee. The driver and Licensing Consultant responded to questions from Members, the Licensing Manager and the Council's Legal Representative.

It was confirmed that there were no further questions and the driver, his representative, 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 review.

Subsequently, all parties returned and the Chair announced a summary of the Committee's decision and highlighted that the driver would receive the full decision and reasons within five working days.

ORDERED that Private Hire Vehicle Driver Licence, Ref No: 01/24, be revoked with immediate effect.

Authority to Act

1. Under Section 61 (1) (b) of the Local Government Miscellaneous Provisions Act 1976 ("the Act") the Committee may decide to suspend or revoke the licence of a Private Hire Vehicle driver on grounds they consider to be reasonable cause.
2. The Committee considered Sections 61 and 57 of the Act, the Middlesbrough Council Private Hire and Hackney Carriage Policy 2022 ("the Policy"), the report and representations made by the driver and his representative.
3. The case was considered on its own particular facts and on its merits.

Decision

4. After carefully considering all the information, the Licensing Committee decided to revoke the Private Hire Vehicle driver's licence, with immediate effect, on the following grounds :-
5. The driver had acted dishonestly in failing to disclose the revocation of his licence by Redcar & Cleveland Borough Council from June 2021.
6. The driver's actions in respect of the confrontation were serious in nature and could not be considered the actions of a 'fit and proper' person.

Reasons

7. The driver admitted to previously being involved in a confrontation involving a group of teenagers on 16 June 2021. The driver stated that a group of teenagers were throwing stones at his taxi whilst he was driving with his daughter in the back. His vehicle's back windows were open and the driver decided to confront the group of teenagers which resulted in a video showing the driver spitting towards them during the ordeal.
8. The driver confirmed the video was uploaded onto social media. Whilst the Committee had not been privy to the video, the driver's representative confirmed the nature of the footage. This footage circulated social media and caught the attention of the local newspaper.

9. The driver's representative advised the driver to surrender his licence due to the 'inevitable position he would be in' (with respect to revocation of his licence) and, therefore, the driver stated he surrendered his licence on 17 June 2021.
10. The driver said that due to COVID 19 Restrictions, the licence and keys were accompanied with a letter showing his surrender of licence. No letter of this nature was produced within the evidence before the Committee.
11. The driver referred to a letter (as attached at appendix 1 in his representations) which illustrated the revocation of the driver's licence by Redcar and Cleveland Council but the driver stated he did not receive it. The letter made reference to the Licensing Officer of Redcar and Cleveland Council '*attempting to contact the driver a number of times*'. The Committee, therefore, considered that the driver, at the very least, had some knowledge that the revocation occurred.
12. As confirmed in the Taxi Licence Standards at paragraph 4.20:

"Applicants and licensees should be required to disclose if they hold, or have previously held, a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence."
13. The driver ticked a box within the application form which confirmed the following:

*"If a licence is granted I undertake to comply with the legislation, Council policies, Byelaws and all conditions attached to the grant of such licence. **I understand that to make a false statement knowingly or recklessly, or omit any information from this application is an offence and may result in prosecution and/or revocation of the respective licence.**"*
14. The decision by the Committee was based on the evidence before them. It was, therefore, decided that the driver had been dishonest not to disclose/declare the revocation of his taxi licence to Middlesbrough Council.
15. It should be further noted that it would be the decision of the Licensing Officer, under Section 57 (3) of the Local government (Miscellaneous Provisions) Act 1976, whether to consider his actions an offence. The consequences of which could be a Level 3 fine.
16. Further to the above, the Committee discussed the confrontation which resulted in the revocation of the driver's licence in the first instance. The Committee decided that the act of spitting during the COVID 19 pandemic was a matter which should be taken seriously and was defiant of public safety.
17. The policy stated at Appendix G:

"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."
18. Whilst the spit may not have landed on any persons, the intent and decision making of the driver was questionable. The Committee questioned why the driver did not continue to drive on and avoid confronting the teenagers as opposed to stopping his vehicle and engaging.
19. It was, therefore, considered whether the driver could be considered a 'fit and proper' person. Whilst no criminal conviction or charges were brought against the driver for his conduct, the dishonesty in not declaring the revocation paired and the confrontation which led to it, the Committee's decision was to revoke the licence of the driver with immediate effect.
20. If the driver 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 address for the local magistrates for the area was the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.

21. If the driver 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 driver which could be in the region of £1,000.