

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on Monday 17 March 2025.

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

OFFICERS: J Dixon, T Hodgkinson, T Durance and M Worrall

APOLOGIES FOR ABSENCE: Councillors S Hill, D Jones, L Mason, M Saunders and P Storey

24/72 **DECLARATIONS OF INTEREST**

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

24/73 **MINUTES - LICENSING COMMITTEE - 24 FEBRUARY 2025**

The minutes of the previous meeting of the Licensing Committee, held on 24 February 2025, were submitted and approved as a correct record.

24/74 **LICENSING UPDATES**

There were no updates to be provided.

NOTED

24/75 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

There were no urgent items.

NOTED

24/76 **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.

24/77 **REVIEW OF HACKNEY CARRIAGE VEHICLE DRIVER LICENCE REF:- 07/25**

The Director of Environment and Community Services submitted an exempt report in connection with the review of Hackney Carriage Driver Licence, Ref: 07/25, where circumstances had arisen which required special consideration by the Committee.

The Chair introduced those present and outlined the procedure to be followed. The driver, who was in attendance at the meeting, accompanied by his representative, 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 a matter affecting his medical suitability to continue as a licensed driver.

The driver was first licensing with Middlesbrough Council in March 1993, with his current licence renewed in September 2023 for a three-year period.

Members were reminded that, as part of it Private Hire and Hackney Carriage Licensing Policy, the Council required all drivers to comply with the DVLA Group 2 Medical Standards. This was a higher medical standard than required of drivers of other motor vehicles and was required due to the length of time the driver may spend at the wheel and the responsibility they had for the safety of their passengers and the public. The imposition of such medical

standards was in line with the Department for Transport guidelines and were commonly applied by all other licensing authorities throughout the country. These medical standards were the same as those applied to drivers of buses and heavy goods vehicles.

The report outlined that, on 8 November 2023, the driver contacted the Licensing Office by email to advise that he had been admitted to hospital on 25 October 2023 with a heart problem. He was seeking information about the possible implications this might have on his Hackney Carriage driver licence. He also notified Licensing that he had informed the DVLA and that they had advised him that he should refrain from driving for a period of four weeks, in accordance with medical standards.

The Principal Licensing Officer contacted the driver to seek clarification of the actual medical condition he was being treated for and provided him with a copy of the DVLA Group 2 Medical Standards and asked him to check with his doctor whether he would still meet the standards. The driver confirmed his diagnosis.

On 6 December 2024, the driver notified Licensing Officers that he had undergone surgery on 4 December to fit a pacemaker and defibrillator. Officers subsequently assessed the Group 2 Medical Standards which state that an individual must not drive for at least six weeks following a pacemaker implantation and inform the DVLA. The Standards further state that a defibrillator implant was a permanent bar to Group 2 licensing and that driving must stop permanently.

As a result of the above, the Licensing Manager had no alternative other than to suspend the driver's Hackney Carriage driver licence with immediate effect. A copy of the relevant correspondence was attached at Appendix 1.

On 28 January 2025, the Licensing Manager contacted the driver's consultant for a professional opinion as to whether he considered the driver to meet the Group 2 standard. Details of the correspondence were contained within the report, however, it was noted that whilst the driver was legally able to drive with a Group 1 licence, he would never be legally eligible to hold a Group 2 licence.

The driver was interviewed by the Licensing Manager on 3 February 2025, when the above information was discussed. The driver requested that the matter be referred to the Licensing Committee for a review of his licence.

The driver 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 driver addressed the Committee and responded to questions from Members of the Committee and the Council's Legal Representative.

The driver's representative also spoke in support of the driver.

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 teams, 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 Hackney Carriage Driver Licence, Ref No: 07/25, be revoked, with immediate effect, as follows:-

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 had been convicted of an offence involving dishonesty, indecency or violence;
 - Since the grant of the licence the driver had 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 appeared to be in the interests of public safety, the Committee could decide that the revocation was to have immediate effect.
3. The Committee considered Section 61 of the Act, Middlesbrough Council Private Hire and Hackney Carriage Policy 2022 ("the Policy"), the report and the representations made by the driver and his supporting representative.

Decision

4. After carefully considering all of the information the Licensing Committee decided to revoke the driver's Hackney Carriage Vehicle driver's 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

5. The Policy made clear that all drivers were required to comply with the DVLA Group 2 Medical Standards. This was a higher medical standard than that required of drivers of other motor vehicles and was required due to the length of time the driver may spend at the wheel and the responsibility they had for the safety of their passengers and the public.
6. If the Council was not satisfied as to the medical fitness of an existing licensed Hackney Carriage or Private Hire driver, there may be reasonable cause to suspend, revoke or refuse to renew the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.
7. On 8 November 2023, the driver contacted Licensing Officers informing them that, on 25 October 2023, he had been admitted into hospital with a heart problem and was seeking information about the possible implications concerning his Hackney Carriage driver licence. The driver's DVLA licence was suspended shortly after in January 2024.
8. On 6 December 2024 Licensing Officers were contacted by the driver who informed them that he had undergone surgery on 4 December 2024 to fit a pacemaker and defibrillator.
9. Upon receipt of this information, Licensing Officers assessed the DVLA Group 2 Medical Standards to establish whether the driver would still be able to meet such standards in view of the medical procedures that he had undergone.
10. Officers determined that due to the driver's operation, including the insertion of an implantable cardioverter defibrillator (ICD), he no longer met the DVLA Group 2 Medical Standards. ICD implantation is a permanent bar to Group 2 licensing.
11. The Licensing Manager felt he had no alternative but to suspend the driver's licence with immediate effect.
12. On 28 January 2025, at the request of the driver, the Licensing Manager sent an email to the secretary of the driver's consultant to request clarification of the driver's fitness to drive DVLA Group 2 vehicles. A response was received the following day, where the doctor confirmed that the driver did not meet the Group 2 standards, therefore, the decision was made not to reinstate the driver's licence.
13. At the Committee hearing, the driver explained that he felt physically fit and was back driving his personal vehicle. The driver further stated that if he had known that the implantation of the ICD would have prevented him from driving, he would not have agreed to the procedure.
14. The Committee considered the Policy, specifically the section on 'medical assessment'

and further considered the DVLA Group 2 Medical Standards.

15. Whilst the Committee was sympathetic towards the driver and commended him for his impeccable record, it felt, based on the evidence presented, there were no compelling, clear, good or exceptional reasons to depart from the Policy.
16. The Policy was clear that the Council required its drivers to be medically fit to the Group 2 driver standards and it was confirmed that the driver did not meet that standard. The Committee was, therefore, not satisfied of the driver's medical fitness.
17. Public safety was of paramount concern and the Committee felt that by being unable to satisfy the DVLA Group 2 Medical Standards, the risk to the public was very real. Should the driver continue to be able to drive a taxi, the public would be put at genuine risk, therefore, the decision was made to revoke the licence with immediate effect.
18. 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 local magistrates for the area was the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.
19. 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.

24/78

APPLICATION FOR PRIVATE HIRE VEHICLE DRIVER LICENCE REF:- 08/25

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 08/25, 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 driver appeared before Members due to the convictions listed at 1) and 2) in the submitted report.

It was highlighted that the applicant had answered 'no' to the question on the application form regarding having any cautions, criminal convictions, etc.

The applicant submitted his application on 3 October 2024 and, on 11 December 2024, provided a DBS Disclosure Certificate showing the two convictions recorded against him.

The applicant was contacted by the Licensing Enforcement Officer on 2 January 2025 advising him that his application would need to be considered by the Licensing Committee due to his convictions and on 3 January 2025, the Licensing Officer emailed the application requesting as much information as possible in relation to both offences. The driver responded the same day providing details of both offences.

On 9 January 2025 the Principal Licensing Officer contacted South Yorkshire Police requesting information regarding the offences, particularly the offence at 2) and subsequently discovered local media coverage of the incident, which was appended to the report. Full details of correspondence exchanges between the Principal Licensing Officer and Police were contained in the report.

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 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 the application for a Private Hire Vehicle Driver's Licence, Ref No: 08/25, be granted, 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.

Reasons

5. The applicant was convicted of two offences as follows:-
 - a) Failing to surrender to custody at appointed time on 20 May 2009. Bail Act 1976 S.6(1) – 28 May 2009 – One day's custody.
 - b) Owner/Person in charge of dog dangerous out of control causing injury on 21 September 2019. Dangerous Dogs Act 1991 S.3 – 14 January 2020 - Suspended imprisonment 4 months wholly suspended 12 months. Costs £150. Victim surcharge £122. Forfeiture and destruction of dog.
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, set out in the Policy.
8. For a new application an applicant must produce adequate information that they were 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 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. The application was made for the grant of a Private Hire Vehicle driver licence on 3 October 2024.
11. In the application form, the applicant answered 'no' to having any cautions, criminal convictions or being aware of any enquiries or investigations by the Police or Local Authority. However, the applicant provided his DBS Disclosure Certificate which showed the two aforementioned convictions.
12. Licensing Officers questioned the applicant on the two offences and he explained, in an email exchange, that for the first offence he had failed to attend Doncaster Magistrates

Court as he had another matter at Sheffield Family Court on the same day, where he was attempting to obtain custody of his daughter. Efforts were made to contact the Court at Doncaster, to no avail. Once the applicant had returned to Doncaster, he handed himself in.

13. With regard to the second offence, the applicant explained during his email exchange that he was living with his mother-in-law during her end of life care. One of the nurses had entered the property using a key from the external key safe. The dog had run towards the door, which in turn had panicked the nurse who had run to the back garden of the property with her arms flailing leaving the door open, the dog followed jumping up and nipped her leg. The applicant came downstairs and asked if the nurse was injured, to which she showed him a puncture wound on her leg that was a small tooth mark with a bit of blood.
14. Licensing Officers contacted South Yorkshire Police who confirmed that the injuries sustained were more serious than a small tooth mark, they stated that the victim sustained wounds to the inside leg, outside leg and tricep of arm which required treatment. This suggested that it was more than the 'nip' that the applicant had claimed.
15. A report contained in the Star newspaper had taken direct quotes from the Barrister who had prosecuted the applicant. The Barrister stated that the nurse "tried to get away but it bit her arm and several places around her body and she got hold of the dog by its neck".
16. The applicant stated during the Committee hearing that he had no control over the dog as he was upstairs. He also stated that there was a procedure in place whereby nobody was to enter the property with a key, so that the dog could be put away in a safe place.
17. When asked in the Committee hearing why the dog needed to be put away, the applicant stated for fear of the dog escaping the house, rather than fear of it injuring someone.
18. Furthermore, when asked, the applicant stated he had only seen the puncture wound and none of the other injuries.
19. When asked why he failed to disclose the convictions, the applicant stated that he did not think this was a criminal offence that needed to be disclosed, as it was his dog and not him, and that it was an honest mistake as to why he did not include it in his application form.
20. The Committee accepted the applicant's account of what had happened with regards to the two offences. The Committee also considered that, whilst the applicant had failed to disclose the offences on his application form, this was an oversight rather than dishonesty and accepted his reasoning for not doing so.
21. The Committee considered that whilst the second offence may be viewed as a violent offence, the violent act was committed by the applicant's dog and not him personally.
22. The overriding duty and aim of the Council was to protect the public. The Committee did not see the applicant as a risk to the public, but rather they considered the applicant a fit and proper person to hold a licence and, therefore, decided to grant the licence.

24/79

APPLICATION FOR A RENEWAL OF A PRIVATE HIRE VEHICLE DRIVER LICENCE REF:- 09/25

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 09/25, 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 driver appeared before Members due to the convictions listed at 1) and 2) in the submitted report.

The applicant was first licensed with Middlesbrough Council in March 2024, with his licence

expiring on 28 February 2025.

Records showed that the driver was issued with an advisory letter on 12 June 2024 following a report that he had been observed parked in his private hire vehicle on a designated taxi rank.

On 9 December 2024, the driver contacted the Licensing Office by telephone to report that he had received three penalty points on his DVLA licence for a speeding offence. The Licensing Officer requested that the driver report the matter, in writing, as required by condition of his private hire driver licence. The driver emailed later the same day attaching a DVLA check, dated 9 December 2024, relating to the status of his driving licence which showed an IN10 offence, dated 16 February 2024, (using a vehicle uninsured against third party risks) recorded against him. At that time the DVLA check showed no record of the speeding offence that the driver referred to in his earlier telephone conversation with the officer. A subsequent check of the driver's file showed no record of him previously notifying officers of his IN10 motoring offence within 48 hours as required by condition of his private hire driver licence.

In addition, the applicant had answered 'No' to the question contained within the application form regarding cautions and convictions.

On 19 February 2025, a Licensing Officer carried out a DVLA check on the status of his driving licence. On this occasion the DVLA check revealed both the IN10 offence and the SP30 offence recorded against him, with a total of 9 penalty points shown on his driving licence record.

On 26 February 2025, the applicant was interviewed by a Licensing Enforcement Officer and provided his explanation in relation to the offences at 1) and 2) and why he had failed to inform licensing officers of such matters within the required timescale, and for making a false declaration in his renewal application.

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 to renew Private Hire Vehicle Driver's Licence, Ref No: 09/25, be refused, as follows:-

Authority to Act

1. Under Section 61 of the Local Government Miscellaneous Provisions Act 1976 ("the Act") the Committee may revoke or suspend or refuse to renew a Private Hire/Hackney Carriage Vehicle driver's licence on the grounds that:
 - Since the grant of the licence the driver had been convicted of an offence involving dishonesty, indecency or violence;
 - Since the grant of the licence the driver had committed an offence or breached the Act or the Town Police Clauses Act 1847;
 - For any other reasonable cause.
2. 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 applicant.

3. The review of the licence 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 renew 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 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.
6. The Policy on Convictions was set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
7. If a driver was cautioned for, or convicted of, any motoring or criminal offence or made subject to a CRASBO, ASBO or Injunction or arrested or charged with any motoring or criminal offence they must notify the Council, in writing, within 48 hours.
8. The Policy stated that applicants with multiple motoring convictions may indicate that an applicant did not exhibit the behaviours of a safe road user and one that was suitable to drive professionally.
9. The Policy further stated that if an applicant had an endorsement in respect of a major traffic offence, including using a vehicle uninsured against third party risks, then the application would normally be refused until at least five years after the most recent conviction, caution, reprimand, final warning or if the person was disqualified, after the restoration of their driving licence, whichever was the later.
10. The applicant was first licensed as a Private Hire driver on 27 March 2024, with such licence expiring on 28 February 2025.
11. The applicant was convicted of two offences as follows:
 - a) IN10 – Using a vehicle uninsured against third party risks – 16 February 2024 - £160 Fine + 6 Penalty Points.
 - b) SP30 – Exceeding statutory speed limit on a public road.- 17 September 2024 - £100 Fine + 3 Penalty Points.
12. On 9 December 2024, the applicant notified Licensing Officers via telephone that he had received 3 points on his licence for a speeding offence. Licensing Officers advised the applicant to notify the same in writing.
13. The same day, the applicant emailed a copy of a DVLA check and informed the Licensing Officers that 'the points had not been updated yet'. However, on the DVLA check it was noted that the applicant had received 6 points endorsed on his licence for driving a vehicle uninsured against third party risks (IN10). There was no record of the applicant notifying Officers of the IN10 motoring offence and the 6 points received.
14. On 8 February 2025, the applicant applied to renew his existing licence. On the application form the applicant stated 'no' when questioned if he had any cautions or criminal convictions, including motoring offences.
15. With regard to the first offence, the applicant explained in interview that he had bought vehicle for £1,700, however, he had not realised that the insurance would be as expensive as the vehicle. He was informed by the insurers that he could not pay in instalments, therefore, he was unable to insure the vehicle as he was unemployed at the time.
16. The applicant stated that, on the day of the incident, his wife had called him and asked

him to pick her up as she had no money to pay for the bus fare home after work. The applicant conceded that he made a 'daft decision' to take the car, knowing it was uninsured, to pick his wife up. The applicant was stopped by the Police, charged and at a later date convicted of the offence.

17. The applicant explained in interview that he could not recall much of the second offence, however, he stated that the information on the speeding ticket was that he was travelling 45/46mph in a 40mph zone. The applicant could not recall if he had a passenger in the vehicle or whether he was in between jobs.
18. At the Committee hearing, the applicant explained that it was a genuine mistake that he had ticked no to the question regarding convictions on the application form.
19. The applicant further stated at the Committee hearing that he believed the Council was aware of the 6 points on his licence for the first offence.
20. The Committee took the view that the applicant had not complied with the licence conditions when he had failed to notify the Council of the offences within 48 hours.
21. Furthermore, the Policy was clear in respect of major traffic offences. The Committee considered that the applicant's multiple driving offences showed he was not a fit and proper person or safe and suitable to be licensed as a private hire vehicle driver in Middlesbrough.
22. Based on the evidence presented, the Committee decided there were no compelling, clear, good or exceptional reasons to depart from the Policy and refused to renew the licence for the reasons set out above.
23. 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 the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.
24. 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.