

**LICENSING COMMITTEE**

A meeting of the Licensing Committee was held on Monday 7 April 2025.

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

**PRESENT AS AN OBSERVER:** M Worrall – Legal Services

**OFFICERS:** J Dixon, T Hodgkinson and T Durance

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

24/80 **DECLARATIONS OF INTEREST**

| Name of Member     | Type of Interest | Nature of Interest                                                          |
|--------------------|------------------|-----------------------------------------------------------------------------|
| Councillor Morrish | Non-pecuniary    | Agenda Item 9 – Driver is constituent in Cllr's Ward, but not known to him. |

24/81 **MINUTES - LICENSING COMMITTEE - 17 MARCH 2025**

The minutes of the previous meeting of the Licensing Committee, held on 17 March 2025, were submitted and approved as a correct record.

24/82 **LICENSING UPDATES**

There were no updates to be provided.

**NOTED**

24/83 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

There were no urgent items.

**NOTED**

24/84 **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.

24/85 **REVIEW OF A PRIVATE HIRE DRIVER LICENCE REF:- 10/25**

The Director of Environment and Community Services submitted an exempt report in connection with the review of Private Hire Vehicle Driver Licence, Ref: 10/25, 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, 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 driver had been licensed with Middlesbrough Council since October 2019, with his current licence due to expire in June 2026.

It was highlighted that Members initially granted the driver's Private Hire Vehicle driver licence following his referral to the Licensing Committee as he had been unable to comply with certain requirements of the Council's Hackney Carriage and Private Hire Licensing Policy. Namely,

that he had been resident in the UK for almost four years, not five years as required by the Policy, and was unable to provide a Certificate of Good Conduct of equivalent from his country of origin. The driver's DBS check was clear and Members decided to depart from the Policy to grant the licence as they believed the driver to be credible, trustworthy and reliable.

The driver now appeared before Members in relation to an incident on 13 March 2025 which raised concerns regarding his suitability to continue as a licensed driver with Middlesbrough Council.

The report outlined that, on 17 March 2025, Licensing Officers received information from Stockton Council in relation to some CCTV footage obtained whereby a Middlesbrough Council licensed private hire vehicle was captured, in a public car park in Stockton, engaging in sexual activity with a female passenger.

Following review of the footage, Licensing Officers made enquiries with the driver's employer and the driver was confirmed as being the driver of the vehicle. Further enquiries on 25 March 2025 confirmed that the driver was not logged on to work at the time the incident occurred.

The driver was interviewed by a Licensing Enforcement Officer on 21 March 2025 and was shown the CCTV footage. The driver provided an explanation in relation to the incident and confirmed that it was him, that he was not working at the time and that the passenger was not a fare but a friend.

A copy of map showing the site of the car park was attached at Appendix 1 and a photograph showing cars parked during a typical day time period, including identification of the area where the driver had been parked at the time of the incident on 13 March, was attached at Appendix 2.

A copy of a still image taken from the CCTV footage showing the driver sitting in his vehicle in the car park was attached at Appendix 3.

CCTV footage of the incident was available to view at the meeting, however, given that Officers had reviewed the footage and that the driver had accepted that it was him, the Committee considered it was not necessary to view it.

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.

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 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: 10/25, be retained, but that the driver be issued with a warning regarding his conduct, 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. 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.
3. The review of the licence was considered on its own particular facts and on its merits.

#### Decision

4. After carefully considering all the information, the Licensing Committee decided to, on this occasion, permit the driver to keep his licence, but issued him with a formal warning in respect of his behaviour and conduct.

#### Reasons

5. The Policy on convictions were set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
6. The Policy stated that 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.
7. The Code of Conduct for Licensed Drivers stated that licence holders shall behave in a professional manner at all times.
8. The driver had been licensed as a private hire driver since 21 October 2019, when his application was granted by the Committee. The reason the application had been referred to Committee was that the driver had not lived in the UK for five years and could not obtain a Certificate of Good Conduct or equivalent document from his country of origin as he had fled the Country and resided in the UK on asylum.
9. On 17 March 2025, Licensing Officers received information from Stockton Council regarding CCTV footage of an incident involving a Middlesbrough Council licensed Private Hire Vehicle, later identified as being the driver (confirmed by his private hire operator). It was explained that footage appeared to show the driver of the vehicle engaging in sexual acts with a female in the front passenger seat.
10. Following confirmation from the driver's private hire operator that the driver of the private hire vehicle was the subject driver of this review, the Licensing Officers examined the footage. The footage showed the driver parked in a public car park in his private hire vehicle accompanied by a female. The footage appeared to show sexual conduct between the driver and the female.
11. The Committee heard that the driver was not working at the time the passenger was in his car, and that the driver had been seeing the female passenger for several months.
12. The Committee heard that the driver and female were parked up in the car park when one thing led to another and the two engaged in some sexual contact. The Committee was informed that the driver accepted that sexual contact occurred but that the female had her clothes on, and the driver did not have his hand inside her clothing.
13. The driver informed the Committee that this was a one-off occasion and that he was extremely sorry that it had happened. The driver further stated that the intention was to go to meet up with the female and chat, the intention was never to engage in sexual acts. The driver offered a full apology as to his behaviour.
14. The Committee also heard that Licensing Officers had been informed by the Police that the behaviour could have amounted to a criminal offence of 'public decency'.
15. The Committee considered that the behaviour displayed by the driver was unacceptable, and also considered whether the driver was a fit and proper person to hold a licence. Consideration was given to the Overriding Duty of the Policy and to the Code of Conduct and Conditions. The Committee noted the mitigation provided by the driver: that he was in a form of relationship with the passenger; he was not working as a private hire vehicle driver at the time; and he was extremely apologetic about his behaviour.

16. The Committee, in this instance, determined that a formal warning as to the driver's behaviour was appropriate to educate the driver and reiterate that this behaviour was not tolerated as well as to ensure the driver complied with the Policy and rules going forward.
17. The driver was reminded of the Code of Conduct specifically point 1c, whereby it stated a driver should behave in a professional manner at all times.
18. This decision was final and there was no internal or statutory route of appeal, however, the driver had the option of judicially reviewing the lawfulness of the decision to the high court if grounds had been made out. If the driver decided to challenge the decision by way of judicial review, he would be advised to seek independent legal advice as to the grounds and time limits that may apply. It was highlighted that if the driver did take this course of action, the Council would apply for any costs it incurred in defending its decision.

24/86

#### **APPLICATION FOR PRIVATE HIRE VEHICLE DRIVER LICENCE REF:- 11/25**

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 11/25, 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 convictions listed at 1) to 4) in the submitted report.

It was highlighted that the applicant had failed to declare the convictions listed at 3) and 4) in his application but had declared the convictions at 1) and 2) and provided a DBS disclosure certificate showing those convictions.

The Principal Licensing Officer contacted the applicant, by telephone, on 9 January 2025 to discuss the convictions declared at 1) and 2) but, at that time, the Officer was not aware of the further convictions at 3) and 4). During discussion around the possible implications of the convictions at 1) and 2) in relation to the Council's Policy Guidance on convictions, the applicant confirmed he wished to proceed with the application process.

Later the same day, the Principal Licensing Officer discovered online media coverage from May 2016 regarding the applicant's involvement in operating as an unlicensed driver in a Private Hire Vehicle in Stockton. Subsequent enquiries with Stockton Council revealed that the applicant had been prosecuted by Stockton Council in May 2016 for two offences on 10 June 2015, as detailed in the convictions at 3) and 4) in the report. Stockton Council also provided a description of the offences and a summary of facts, together with further information held in its records regarding the offences at 1) and 2).

On 13 January 2025, the Principal Licensing Officer received an email from the applicant's prospective employer, on behalf of the applicant, providing an explanation in relation to the offences at 1) and 2).

Due to Officers having further questions for the applicant, an interview was arranged for 18 March 2025 when the applicant provided explanations in relation to each of the offences at 1) to 4) in the report and confirmed that there were no outstanding issues of which the Council was unaware.

The interview highlighted discrepancies between the applicant's explanation regarding the offences at 1) and 2) and the information provided by West Yorkshire Police at the time of the offences.

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: 11/25, 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 of four offences as follows:
  - a) Facilitate the acquisition/acquire/possess criminal property on 27 October 2010 – Convicted on 23 March 2012 – 12 months imprisonment and confiscation of £9,500.
  - b) Conspire/supply a controlled drug – Crack Cocaine on 27 October 2010 – Convicted on 23 March 2012 – 3 years imprisonment.
  - c) Knowingly act as a driver of a licensed private hire vehicle, without having a current private hire driver's licence with Stockton-on-Tees Borough Council on 10 June 2015 – Convicted on 10 May 2016 – See below sentence.
  - d) Use a licensed Private Hire Vehicle when there was not in force in relation to the use of the said vehicle such a policy of insurance on 10 June 2015 – Convicted on 10 May 2016 – Fined £485, Costs £1,123, Victim Surcharge £48.50, this covers the above 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 stated that if a conviction, caution, reprimand or final warning related 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 would be refused until at least 10 years had elapsed since the completion of any sentence.
8. It was also detailed in the Policy that a licensed Private Hire Vehicle driver was expected to be a trustworthy person, and a serious view was taken of any conviction of 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 continued 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. The applicant, when prompted on the application form, confirmed that he had a conviction for supplying Class A drugs, however, had failed to disclose the offences concerning the 10 June 2015 incident.
11. The Committee determined that there were inconsistencies in the explanations that the applicant had given the Licensing Officers and the Police at the time of his arrest. The Committee heard that the applicant had denied all knowledge of the drugs to the Police, but informed Licensing Officers that the drugs were purchased for his brother who was a drug user.
12. The Committee further determined that the applicant's explanation for the offences on 10 June 2015 also contained inconsistencies. Stockton Borough Council informed Licensing Officers that the Private Hire Vehicle was displaying a plate number, whereas the applicant had stated to Licensing Officers that the vehicle had no plate displayed.
13. The Committee considered that the applicant simply forgetting to disclose the offences on 10 June 2015 on the application form was unacceptable. The Committee, based on the evidence it was presented with, decided that the applicant was dishonest.
14. The Committee considered the discrepancies in accounts as well as the serious nature of the offences, including supply of a Class A drug, and had serious concerns that the applicant was dishonest and, therefore, not a fit and proper person to hold a licence. The Committee also found that the applicant had been caught acting as a Private Hire Vehicle driver without having a licence, which related to the trade he was applying for.
15. The Committee considered that the applicant had committed serious offences involving the supply of drugs and of a dishonest nature. The Committee determined that despite the time elapsed since the convictions, there were no compelling, clear, good or exceptional reasons to depart from the Policy and refused the licence for the reasons set out above.
16. 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.
17. 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.

#### **\*\* DECLARATION OF INTEREST**

At this point in the meeting, Councillor Morrish declared a non-pecuniary interest in relation to the following item as the applicant was a constituent in his Ward, however, neither party was known to one another.

24/87

#### **APPLICATION FOR HACKNEY CARRIAGE DRIVER LICENCE REF:- 12/25**

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Hackney Carriage Driver Licence, Ref: 12/25, 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 was previously licensed as a Private Hire Vehicle driver with Middlesbrough Council in November 2001, until July 2017 when his licence was revoked by the Licensing Committee as a result of the convictions at 1) and 2) in the submitted report.

The applicant appeared before the Licensing Committee on 5 September 2022 when his application for a Combined Hackney Carriage/Private Hire Vehicle driver licence was refused. A summary of the Committee's decision on that occasion was detailed in the report. A copy of the decision letter fully detailing the Committee's decision and reasons was attached at Appendix 1 for information.

The applicant was interviewed on 7 January 2025 by the Licensing Enforcement Officer when he provided explanations for the offences at 1) and 2) and confirmed that there were no other outstanding matters of which the Council was unaware.

On 19 March 2025, the Principal Licensing Officer telephoned the applicant to ask whether he wished to provide any further information in support of his application. The applicant subsequently provided further information, via email, in relation to his previous and current employment since the revocation of his previous licence. The applicant also provided character references from the owner of a local gym (Appendix 2) and his current Manager (Appendix 4). Information regarding his daughter's medical treatment was attached at Appendix 3 for information.

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: 12/25, be refused, as follows:-

#### Authority to Act

18. Under Section 59 of the Local Government Miscellaneous Provisions Act 1976 ("the Act") the Committee may decide to grant a Hackney Carriage driver's licence only if it was satisfied the driver was a fit and proper person to be granted such a licence.
19. The Committee considered Section 59 of the Act, the Middlesbrough Council Private Hire and Hackney Carriage Policy 2022 ("the Policy"), the report and representations made by the applicant.
20. The application was considered on its own particular facts and on its merits.

#### Decision

21. After carefully considering all the information, the Licensing Committee decided to refuse to grant the application for a Hackney Carriage 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

22. The applicant appeared before the Committee on 26 November 2001 due to four convictions on his record - three related to driving offences and one related to robbery. On that occasion, following the applicant's representations, he was granted a Private Hire Vehicle driver's licence.
23. On 27 January 2017, the applicant was convicted of Wounding/Inflicting Grievous Bodily Harm and sentenced to 12 months imprisonment, suspended for a period of two years, as

well as being ordered to carry out 150 hours of unpaid work. The sentence was completed on 26 January 2019 when the suspended sentence expired. As a result of the offence, the applicant had his licence revoked in July 2017, and in September 2022 the applicant was refused a licence by the Committee.

24. The Policy on convictions was set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
25. It was further stated in the Policy that drivers had close regular contact with the public and were in an extreme position of trust. A person who had a tendency to be violent, aggressive or who responded with violence when provoked, would not be suitable to be granted a licence.
26. The Policy detailed that a licence would normally be refused where the applicant had a conviction for an offence of violence against the person, or connected with any offence of violence until a period of at least ten years free of such conviction had elapsed since the completion of any sentence imposed.
27. The Committee heard the details of the incident. It was explained that the applicant had a dispute with his lone passenger and was subsequently struck from behind by the passenger. The applicant reacted to this provocation and inflicted serious injury to the passenger. It was emphasised that this incident occurred whilst the applicant was in a position of trust and carrying out a journey in a licensed vehicle.
28. The applicant explained during the hearing that he made a mistake and understood that the way he reacted was unacceptable, he stated that he still lived with the events of the incident every day. The applicant further explained that he had 16 years incident-free in taxis prior to the event and that he did not intend to cause the passenger any harm. The applicant also stated that he was hardworking and had learned from the incident, he had not let it impact him and had continued to progress in employment.
29. The applicant stated that the offence was reduced from 'GBH with intent' to 'Inflicting GBH' by the Judge at the hearing. The applicant advised that the victim was thought to have fractures but once the swelling had gone down, it was confirmed that this was not the case.
30. The Committee determined that this was an extremely serious offence and one that was carried out whilst the applicant was in a position of trust. The Committee considered that the applicant reacted with violence when provoked by a passenger, which was exactly what the Policy stated should not happen.
31. The Policy was clear where it stated a period of at least ten years free of conviction should have elapsed for an offence of violence against the person, which was what the applicant was convicted of. The sentence was completed on 26 January 2019 when the suspended sentence expired and, therefore, it had only been around six and a half years since the completion of the sentence.
32. The Committee considered the necessity to protect the safety of passengers and ensure public safety and, therefore, for the reasons given above could not be satisfied the applicant was a fit and proper person to be licenced as a Hackney Carriage driver in Middlesbrough.
33. Despite the applicant's representations, the Committee concluded that there were no good or exceptional reasons to depart from the Policy, and refused to grant the licence.
34. 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.
35. 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.

**APPLICATION FOR PRIVATE HIRE VEHICLE DRIVER LICENCE REF:- 13/25**

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 13/25, 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 at 1) in the submitted report.

It was highlighted that records held by the Licensing Office showed that the applicant was previously licensed by the Council as a Private Hire Vehicle driver from 1 September 2017 until 30 August 2020. The applicant's licence was suspended on 4 June 2019 due to him not completing a Wheelchair Accessibility Course.

The applicant made a fresh application on 17 December 2024 and declared that he had no previous convictions or cautions recorded against him. He subsequently provided a DBS Disclosure Certificate on 18 December, showing no convictions recorded against him.

On 18 December 2024, a Licensing Officer carried out a routine check on the applicant's DVLA licence which revealed the motoring offence, dated 2 October 2024, detailed at 1) in the submitted report.

It was confirmed that the applicant had complied with all other application requirements including the completion of a Disability Awareness Training Course on 30 January 2025.

The Principal Licensing Officer contacted the applicant, on 3 February 2025, by email, to advise of the relevance of his conviction and in relation to the Council's Policy Guidance and reminded the applicant that he had failed to declare the conviction on his application form.

The Licensing Officer also asked the applicant to confirm whether he wished to proceed with the application in view of the policy guidance.

The applicant responded on 10 February 2025 confirming he wished to proceed and provided an explanation in relation to the offence. He was subsequently interviewed by a Licensing Enforcement Officer on 10 March 2025 when he explained the circumstances of the offence at 1) and his failure to declare it. He also confirmed that there were no outstanding issues of which the Council was unaware.

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: 13/25, 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 2 October 2024 for breaching the requirements as to control of the vehicle (includes mobile phone offences that carry a mandatory 6 penalty points). The applicant was fined £200 and six penalty points were endorsed on his driving licence.
6. The Policy on convictions were 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 a serious view would be taken regarding convictions for driving whilst using a mobile phone or hand-held device. In light of this, an equally serious view would be taken of a conviction for driving whilst using a mobile phone or hand-held device and a driver's licence would not be granted until at least five years had elapsed since the conviction.
8. The applicant did not declare the conviction and points on his licence in his application for a Private Hire Vehicle licence.
9. The applicant admitted to Licensing Officers during the interview process that he had not declared the conviction on his application form as he had 'skim read' the application and had not read it properly.
10. The Committee heard from the applicant that the incident was a mistake and that given the circumstances with his sick Aunt, he thought the call was important and decided to answer his phone whilst at traffic lights. A Police car drove past and issued the applicant with a fixed penalty notice and 6 points on his licence.
11. The Committee considered that it was unacceptable to fail to disclose the offence on the application form, and further considered it was unacceptable that the reason for the applicant doing so was due to him 'skim reading' the document.
12. The Committee determined that this was a major traffic offence and decided to refuse to grant the licence in accordance with the Policy. The Committee considered there were no good or exceptional reasons to depart from it. The Committee, for the reasons given 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.
13. 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.
14. 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.