

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on Monday 12 May 2025.

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

OFFICERS: J Dixon, T Durance, S Wearing and M Worrall

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

24/97 **DECLARATIONS OF INTEREST**

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

24/98 **MINUTES - LICENSING COMMITTEE - 28 APRIL 2025**

The minutes of the previous meeting of the Licensing Committee, held on 28 April 2025, were submitted and approved as a correct record.

24/99 **LICENSING UPDATES**

There were no updates to be provided.

NOTED

24/100 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

There were no urgent items.

NOTED

24/101 **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.

24/102 **APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE, REF NO: 17/25**

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 17/25, 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 Principal Licensing Officer advised that the Committee had been provided with the following documents:-

- Committee report, circulated with the agenda on 1 May 2025, including:
 - Appendix 1 – Decision notice of Stockton Council's General Licensing Committee, held 8 November 2002, when the applicant's licence was revoked.
 - Appendix 2 - Decision notice of Stockton Council's General Licensing Committee, held 23 October 2004, when the applicant's fresh application was refused.
- Additional information, circulated on 9 May 2025:
 - Copy of applicant's enhanced DBS certificate, dated 17 September 2024.
 - Letter from Cleveland Police confirming 'No Further Action' to be taken against the

- applicant, dated 9 June 2021.
 - Email from Cleveland Police confirming 'No Further Action' to be taken against the applicant, dated 25 May 2022.
 - Cleveland Police Officer's Report, dated 7 October 2022, in relation to Incident 2, reported on 4 August 2021.
 - Email response from the office of Rishi Sunak MP, dated 20 July 2023.
 - Email response from the office of Matt Vickers MP, dated 7 September 2023.
 - Reference from former employer, dated 10 January 2023.
 - Email from the applicant to Licensing Department, dated 5 December 2024 containing a copy of a file note from Cleveland Police to Stockton Council Licensing Officer, dated 16 December 2012, in relation to the applicant being stopped for speeding at 45mph in a 30mph zone.
 - Email from Cleveland Police Information Management Unit, dated 5 December 2024, in relation to a subject information access request from the applicant, confirming no information held on local systems in relation to the request submitted by the applicant.
- Additional information provided by the applicant at Committee and circulated to Members:-
 - Email from Cleveland Police, dated 11 January 2023, confirming that Stockton Council Licensing Department had not made a subject access request, but a Police disclosure in relation to the applicant's case at that time.
 - Cleveland Police Storm Incident Report, dated 31 July 2020, in relation to Incident 1.

The Principal Licensing Officer presented a summary of the report outlining that the applicant appeared before Members due to information regarding the applicant which led to his previous Combined Hackney Carriage and Private Hire Vehicle licence with Stockton Council being revoked and a subsequent application being refused.

It was highlighted that the applicant was previously licensed with Stockton Council for approximately 22 years until his licence was revoked in November 2022. This followed his arrest by Cleveland Police in July 2020 and again in August 2021. When the applicant was arrested in July 2020, his licence was suspended until the conclusion of the Police investigation which took 11 months to complete.

Following the applicant's second arrest in August 2021, his licence was revoked by Stockton Council in November 2022. The applicant appealed the decision to the Magistrates Court on 11 April 2023 and the appeal was reused with costs of £300 awarded to Stockton Council.

In August 2024, the applicant re-applied to Stockton Council to become a licensed driver. His application was subsequently refused by Stockton Council's General Licensing Committee on 23 October 2024.

Since that time the applicant had made an application to Newcastle Council but had since withdrawn this due to an issue with his medical certificate not being circulated and his application being 'put to the back of the queue'.

The applicant was interviewed by a Licensing Enforcement Officer on 4 March 2025, in relation to his current application. The applicant provided an explanation in relation to the previous decisions taken by Stockton Council and explanations in relation to the circumstances of both arrests which were detailed in the submitted report.

The report also provided a summary of the contents of Stockton Council's decision notices in relation to the applicant, the applicant's submission and the decisions and reasons for the decisions regarding both Committee appearances.

In relation to the accuracy of the Committee report, the applicant stated that in relation to the information provided by Stockton Council, that he had only stated to the Police that he was unemployed in relation to the second arrest and that in relation to the first arrest he had told them he was a taxi driver. This was contrary to the information included within the report from Stockton Council and the Police.

The applicant also wished to point out that, in relation to Stockton Council's first decision notice (November 2022) it stated that applicant had refused to seek further information from the Police under a subject access request. The applicant stated that he had since obtained the Police Storm incident report which was circulated to Members at the start of the meeting.

The applicant also wished to point out that in relation to both arrests, he was not arrested alone and that no further action was taken against any of the arrested parties in either case.

The applicant was invited to address the Committee in support of his application. The applicant presented his case 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: 17/25, 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 that the applicant was a fit and proper person to be granted the licence. The reasons for the decision were as follows:

Reasons

5. As part of the application process, the applicant was asked "*Have you ever been refused a licence or had a licence revoked by Middlesbrough or any other licensing authority within the last 5 years?*". In response to this question, the applicant stated 'Stockton Council'.
6. On 12 February 2025, the Licensing Team received an email from the applicant detailing his history and the offences for which he was arrested. The applicant stated he had no convictions, an updated enhanced DBS and also that his DVLA driving licence was clean. The applicant further stated that he was placed on the NR3 Register due to Stockton Borough Council revoking his combined Hackney Carriage and Private Hire licence.
7. Within the email sent by the applicant, an account of the arrests was detailed. The applicant stated that the first arrest was a family matter whereby his wife at the time had accused him of rape and controlling coercive behaviour. He stated the accusation was made so that she could gain British Citizenship and a British Passport under indefinite leave to remain on the grounds of being a domestic abuse victim. No further action was taken against the applicant for this offence.
8. In terms of the second arrest, the applicant stated in the email that he was arrested, along with his two brothers, outside a property that he was co-owner of. No further action was taken against the applicant.
9. The applicant also made reference to an incident that occurred on 16 December 2012, whereby he had been stopped by Cleveland Police doing 45mph in a 30mph zone. The

applicant detailed that he had made a Subject Access Request to Cleveland Police who in turn notified him that they had no information regarding the incident.

10. The applicant also provided a copy of a Decision Notice issued by Stockton Borough Council dated 23 October 2024, whereby a decision was made to refuse the applicant a combined Hackney Carriage and Private Hire Driver's Licence. The Decision Notice also referenced an earlier decision taken by Stockton Borough Council on 8 November 2022 to revoke his Combined Hackney Carriage and Private Hire Driver's Licence.
11. The applicant was interviewed by a Licensing Enforcement Officer on 4 March 2025, the Officer set out the background to the previous decisions taken by Stockton Borough Council. It was determined that the Applicant was arrested in July 2020 and his licence was suspended. He was arrested again in August 2021 and had his licence revoked in November 2022. The applicant appealed the decision to revoke but this appeal was refused. The applicant made an application to Stockton Borough Council for a licence on 27 August 2024, but this was refused.
12. In addition to the report, the Committee had been provided with both decision notices before the hearing and had opportunity to consider the information contained in them. Furthermore, the applicant had provided further documents in advance of the hearing that had been circulated to Members for consideration.
13. The Committee heard a summary of the report from the Licensing Officer which detailed the applicant's submissions in respect of the arrests and speeding incident in 2012.
14. The applicant was firstly questioned around the speeding issue in 2012. It was noted that, from the email that was shared with the Committee, the applicant responded to the Police Officer that 'It's a busy night I'm not going to stick to 30mph'. The applicant stated that this did not happen. When questioned further and asked if the Officer was lying, the applicant stated that the Officer must have been lying, that he couldn't remember the incident and that there was no record of this incident. The applicant stated that a subject access request had returned no entries and so this incident did not happen, despite being shown the email which detailed the incident.
15. The applicant was questioned as to why he had failed to notify Stockton Borough Council within 48 hours of his first arrest, in accordance with its Policy. It was noted that this was also a requirement of this Authority's Policy. The applicant stated that he had sent a letter explaining that he had been arrested and had posted it to Stockton Borough Council's address on 1 August 2020. The applicant continued, stating that, as this was during Covid, it must not have been received and that it could have gone to the wrong address. He stated that he then followed this up with an email on 2 September 2020. When asked why he followed it up with an email a month later, the applicant stated, he did so as he did not think the letter had been received.
16. The Committee questioned the applicant on why he had informed the Police he was unemployed both times he was arrested. The applicant categorically denied telling the Police he was unemployed the first time he was arrested. This, despite it being noted in the Committee decision of Stockton Borough Council that 'Cleveland Police confirmed that as the driver identified himself as unemployed when he was arrested, the licensing department were not notified'. Further, in the second decision letter of Stockton Borough Council, it explicitly states that the applicant accepted omitting that he was employed on both occasions. When asked if this was correct, the applicant stated it was not. When asked about the second occasion, the applicant admitted he stated he was unemployed, but this was because he was suspended, he stated he should have informed Police Officers that he was employed but suspended.
17. The applicant was asked to clarify his comments on CCTV footage following his second arrest. It was noted in the decision letter of Stockton Borough Council, dated 23 October 2024, that the Court referenced in its decision that the applicant had given two differing accounts of whether CCTV was provided. The only real submission of the applicant on this was that his brother owned a CCTV company and he was dealing with the request. He stated that he did not tell the Committee in Stockton that the CCTV had stopped working.

18. The Committee found that the applicant was dishonest and evasive when asked questions around the offences, particularly around the speeding offence from 2012 in which an email from a Police Officer was referenced. The applicant could not recall the offence taking place and accused the Police Officer of lying about the offence and lying about the email that was produced. The Committee also felt that the applicant lacked accountability for his behaviour for this incident and found that the applicant was not able to provide a clear answer.
19. The Committee found it difficult to believe that the applicant would send a letter and subsequently follow it up a month later, of his own accord, with an email. The Committee did not accept this explanation and found on the balance of probabilities it was more probable that the letter was not sent. The applicant did not provide a copy of the letter he alleged to have sent.
20. The Committee found the applicant to be disingenuous, vague and considered that his version of events in incidents were conflicting and confused. The Committee considered that the applicant had been arrested twice for two separate extremely serious offences. Despite the applicant arguing that both allegations were vexatious, linked and that his ex-wife had paid for someone to make up the second allegation, the Committee must consider the safety of the public its paramount concern, and it was not satisfied that the applicant was a fit and proper person to hold a taxi licence in Middlesbrough.
21. Members of the Committee were not satisfied that they would allow people for whom they care to enter a vehicle alone with the applicant, due to the seriousness of the allegations, the conflicting stories he had provided and the refusal to accept Police and Committee records.
22. The Committee considered that the applicant had been found not to be fit and proper by Stockton Borough Council on two occasions as well as by the Court during the appeal process.
23. The Committee considered that the applicant had failed to follow the Policy of Stockton Borough Council in reporting arrests, and thus this Committee could not trust the applicant to be honest and trustworthy with this Authority.
24. 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.
25. 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.
26. 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.
27. 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.