

**LICENSING COMMITTEE**

A meeting of the Licensing Committee was held on Monday 23 June 2025.

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

**OFFICERS:** S Bonner, R Desira, T Durance and S Wearing

**APOLOGIES FOR ABSENCE:** Councillors J Cooke and N Hussain

25/1 **DECLARATIONS OF INTEREST**

No declarations were made at this point in the meeting.

25/2 **MINUTES - LICENSING COMMITTEE - 12 MAY 2025**

The minutes of the Licensing Committee meeting held on 12 May 2025 were submitted and approved as a correct record.

25/3 **APPOINTMENT OF CHAIRS TO THE FOLLOWING COMMITTEES**

The Licensing Committee appointed the Chair to the following Committees:

Licensing Sub Committee B: Councillor Stephen Hill

Licensing Sub Committee C: Councillor Tom Livingstone

Casino Licensing Sub Committee: Councillors Hill, Livingstone and Jones

Named Substitutes to the Casino Sub Committee: Councillors Lewis, Cooper and Gavigan.

**ORDERED:** That the Councillors appointed act as Chair of their respective Sub Committees.

25/4 **COUNCIL APPOINTMENT OF CHAIRS TO THE FOLLOWING SUB-COMMITTEES**

The Committee was asked to note that at the Council's Annual General Meeting of 21 May 2025:

Cllr Linda Lewis was appointed as Chair of Licensing Committee, Chair of Licensing Sub-Committee A and Licensing Sub Committee (General);

Cllr Stephen Hill was appointed Vice Chair of Licensing Committee

**NOTED**

25/5 **LICENSING UPDATES**

There were no updates provided.

25/6 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

Members were advised there was a significant number of cases to be heard by the Licensing Committee and that an additional meeting of the committee may be required before the scheduled meeting on 21 July 2025.

**AGREED** that an additional meeting of the Licensing Committee be held if the need arose.

25/7 **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.

25/8

## **APPLICATION FOR PRIVATE HIRE VEHICLE DRIVER LICENCE REF: 18/25**

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 18/25, 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 Officer presented a summary of the report outlining that the Applicant appeared before Members due to the conviction listed at 1) in the report.

On 21 October 2024, the Applicant applied for the grant of a new Private Hire Driver Licence. However, the Applicant declared no previous convictions recorded against him during the application process. The Applicant's DBS Disclosure Certificate of 23 November 2024 showed no convictions recorded against him. However, the disclosure did contain additional information relating to a road traffic accident in which the Applicant had allegedly struck a female pedestrian and her buggy as they crossed the road on a pedestrian crossing on the 5 December 2023.

On 10 June 2025 the Applicant was interviewed by a licensing enforcement officer to explain the circumstances around the incident. During the interview the Applicant described how on 3 December 2023 they had approached a roundabout with the intention of turning right. After exiting the roundabout, the Applicant had become blinded by the sun which was low in the sky. Consequently, the Applicant's vehicle struck the female pedestrian, causing a fractured elbow to the female and a bump to the head for the child.

An investigation took place following the incident following which the matter was considered in the Magistrates court. On legal advice the Applicant pleaded guilty to careless driving rather than dangerous driving. When the matter was referred to the Sheriff's Court the Applicant pleaded guilty and was fined £400 and received seven penalty points.

The committee were also advised of the Council's policy and procedure on convictions, cautions, reprimands, warnings complaints and character.

A Member sought clarification that the date of the conviction listed in the report was the 5 December 2023 and not 3 December as cited in the Applicant's interview with Licensing Enforcement Officers.

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 Licence Ref: 18/25 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

is satisfied the driver is 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 license 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 are as follows:

#### Reasons

5. The Applicant was convicted on 20 March 2025 of driving without due care and attention or without reasonable consideration for road users ("careless driving"). The Applicant was subsequently fined £400.00, and 7 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 referenced minor traffic offences and went on to state that if an Applicant had between 7 and 9 live points on their licence for such offences, they must show a period of three years free from conviction before an application will be considered. As aforementioned, the Applicant had 7 points on his licence and therefore the relevant period was until 20 March 2028.
8. On 21 October 2024, the Applicant applied for the grant of a new Private Hire Driver Licence. Whilst the Applicant provided a DBS certificate with no convictions recorded against him, under the 'other relevant information disclosed at the Chief Officers discretion' section of the DBS certificate, there was an entry.
9. It was alleged that on 05 December 2023 in Glasgow, whilst driving a taxi, the Applicant struck an adult female and her son's buggy as they crossed a pedestrian crossing. The female sustained a fractured elbow and her son sustained a bump to the head. The Applicant was reported to the Fiscal for Section 2C of the Road Traffic Act 1988. The Procurator subsequently amended the charge to Section 1A of the Road Traffic Act 1988.
10. On 12 May 2025, Licensing Officers carried out a routine check of the Applicant's DVLA driving licence, with the check showing the Applicant's conviction for careless driving.
11. On 10 June 2025, the Applicant attended an interview with Licensing Officers to explain the circumstances of the offence. The Applicant stated that whilst he was working as a private hire driver in Glasgow in December 2023, he was blinded by the sun when exiting a roundabout. The Applicant stated he drove across a pedestrian crossing, didn't see the pedestrians and subsequently hit the female and the pushchair.
12. Licensing Officers were informed that the Applicant's speed at the time the accident occurred was between 23 and 24mph. it was further noted that the Applicant's passenger had provided a statement to the Police to state that they too, had not seen the female and child due to the sun.
13. The Applicant further explained that, on the advice of his Solicitor, he pleaded not guilty to the original charge of dangerous driving, but guilty to the lesser charge of careless driving.
14. At the committee hearing, the Applicant provided details around his personal

circumstances. The Applicant explained that he had a child with cerebral palsy and that he was attempting to obtain a licence to support his family and pay for credit card and visa bills. He detailed that he was completely taken by surprise as to how low the sun was and that he had no time to react. The Applicant stated he was extremely sorry for the injury caused to the female and her child, and that the collision was a complete accident.

15. When asked whether Glasgow City Council had taken any action against him, the Applicant stated that he informed the Authority but that no decision was taken before the outcome. In any event, the Applicant stated that his licence expired before the outcome of his criminal case.
16. The Committee considered the information they'd heard and determined that the offence was of a serious nature. The Committee determined that as a professional driver, the Applicant should have taken all necessary precautions and that it was conceivable that the low sun could have been anticipated.
17. The Committee considered whether the driver should have been driving slower, pulled over to a safe place or even had a pair of sunglasses on.
18. The Committee also considered the offence itself and were informed of the sentencing guidelines for the same. It was noted that this must have been seen by the Court as a category 1 offence of greater harm and culpability, due to the sentence he received. The sentence was towards the upper end of the scale.
19. The Committee considered it extremely serious that a prospected driver had caused a fractured elbow to a pedestrian due to careless driving, especially whilst working and carrying a passenger in his vehicle. The Committee agreed that the expected standard of driving is even greater for a professional and that the Applicant had failed to meet this standard during the incident.
20. The Applicant had 7 points endorsed on his licence for the CD30 offence, and therefore in accordance with the Policy, must show a period of three years free from conviction before his application would be considered.
21. Therefore, the Committee decided there were no good or exceptional reasons to depart from the Policy. 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.
22. If the applicant is 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 is Teesside Justice Centre, Teesside Magistrates Court, Victoria Square, Middlesbrough, TS1 2AS.
23. If the Applicant does appeal the decision and the appeal is dismissed by the Magistrates Court, the Council will claim its costs in defending its decision from the Applicant which could be in the region of £1000.

25/9

#### **APPLICATION FOR RENEWAL OF A PRIVATE HIRE VEHICLE DRIVER LICENCE REF: 19/25**

Members were advised that some agenda items would be deferred to a future meeting of the Licensing Committee.

In terms of agenda item 10 (Application for Renewal of a Private Hire Vehicle Driver Licence Ref: 19/25) the deferral was due to the availability of the Applicant's representative.

In terms of agenda item 12 (Review of a Private Hire Vehicle Driver Licence Ref: 21/25) the deferral was due to further enquiries made to the Police.

**AGENDA ITEM 10 DEFERRED**

**REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE REF: 20/25**

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 20/25, 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 Officer presented a summary of the report outlining that the Driver appeared before Members due to the conviction listed at 1 to 3 in the report.

Members were advised that the Driver appeared before Members for a review of his licence due to his having 9 penalty points endorsed on his DVLA driving licence as a result of the convictions detailed in the report.

On 3 June 2025, Licensing Officers received an email from the Driver which stated "He had received six penalty points on his driving licence." In his email the Driver also stated that the nature of the offence was speeding and no business insurance for food delivery.

Following a check on the Driver's DVLA driving licence it was revealed the convictions detailed at one to three in the report were recorded against it.

Officers noted that as the convictions detailed at two and three in the report were dated 26 March 2025, the driver had again failed to comply with the standard licence condition requiring drivers to notify the Licensing Office of any convictions within 48 hours.

On 6 June 2025, the Driver attended an interview with Licensing Enforcement Officers to enable him to explain the circumstances of the convictions recorded against him.

As part of the interview the Driver explained he accepted responsibility for his mistakes and apologised for them. He also stated he had attended a speed awareness course for excessive speeding before the incidents listed in the report and stated this was due to sickness which affected his memory. The Driver also explained that on 28 May 2023 he had received a conviction for excessive speeding on Albert Road which resulted in three points being endorsed on his licence and a fine of either £70 or £80. The Driver apologised for not reporting this to the Council.

On 4 December 2024 the Driver received an offence for failing to comply with traffic light signals. He was also found to be driving without proper business insurance when stopped by the Police. The Driver also apologised for not declaring the conviction to the Council. The Driver stated that ongoing mental health issues contributed to his failure to comply with relevant licensing conditions.

Members were reminded of section 61 of the Local Government Act 1976 and the Council's right to suspend, revoke or refuse to renew the licence of a driver of a private hire vehicle, if since the grant of a licence he has been convicted of an offence involving dishonesty, indecency or violence, or has failed to comply with the provisions of this Act, or the Town Police Clauses Act 1847, or for any other reasonable cause.

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 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 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.

The Licensing Officer clarified the date of birth on the report for Members.

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 Private Hire Vehicle Driver Licence, Ref No: 21/25, be revoked, 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 license on the grounds that:
  - Since the grant of the license the Driver has been convicted of an offence involving dishonesty, indecency or violence;
  - Since the grant of the license the Driver has 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 appears to be in the interests of public safety, the Committee can decide that the revocation is to have immediate effect.
3. 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 and his representative.
4. The review of the license was considered on its own particular facts and on its merits.

Decision

5. After carefully considering all of the information the Licensing Committee decided to revoke the Driver's private hire vehicle drivers' license 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

6. 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.
7. The Policy further confirmed that criminal convictions were not the only criteria used when considering whether an individual was a fit and proper person to be licensed. The Council can consider circumstances of concern even though a conviction has not been obtained or the conduct did not amount to a criminal offence. In assessing the action to take, the safety of the travelling public must be the paramount concern.
8. It was a requirement, in line with the Policy, for a driver if they were 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 to notify the Council, in writing, within 48 hours.
9. The Policy on Convictions were set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
10. If an applicant for a driver's licence had an endorsement in respect of a major traffic offence 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. This standard was also applied to a current licence holder.
11. The Driver had been licensed as a Private Hire Vehicle Driver with the Council since 2

February 2017, with the current licence due to expire on 31 January 2028.

12. The Driver appeared before Members of the Licensing Committee as a result of him having 9 penalty points endorsed on his licence. The offences were as follows:
  - i. Exceeding Statutory Speed limit on public road – 28 May 2023 date of conviction - £70 fine and 3 penalty points
  - ii. On 4 December 2024 – Using a vehicle uninsured against third party risks (IN10) – 26 March 2025 date of conviction - £120 fine and 6 penalty points
  - iii. On 4 December 2024 – Contravention of pedestrian crossing regulations with moving vehicle (PC20) – 26 March 2025 date of conviction – no separate penalty to (ii)
13. In respect of the first offence listed (i), internal records showed that the Driver did not inform Licensing Officers until 8 October 2023, nearly 5 months after the conviction.
14. On 3 June 2025, the Driver emailed Licensing Officers to notify them of the two other offences listed above (ii) & (iii). It was noted by Officers that the Driver had again delayed reporting convictions, this time by nearly 4 months.
15. The Driver attended for an interview on 6 June 2025, where he told Officers of another driving offence, not listed on his DBS certificate. The Driver stated that before the offences for which he was convicted, he was stopped by the Police for travelling at 80mph in a 70mph zone. The Driver stated that he completed a speed awareness course as a result of this incident, but he could not recall the date of the offence.
16. The Driver explained that in respect of the first offence (i), he was caught by a speed trap travelling 34mph in a 30mph zone whilst driving his taxi with no passengers inside. He stated that his failure to report the matter within 48 hours was an oversight and had happened due to mental health issues he was experiencing at the time.
17. In terms of the second (ii) and third (iii) offences listed, the Driver stated he travelled through a red light on Marton Road and was stopped by a Police car. It was then discovered by the Police Officer that he did not have the required insurance cover for delivering food for a business. The Driver stated that he understood how serious travelling through a red light was and that it was a lapse in judgement. He further stated that he was unaware of the need for a different type of insurance needed to deliver pizzas for a local takeaway and this was a genuine error.
18. At the Committee hearing, the Driver provided clarification on one point contained in the report, this was that his birth year was 1975, not 1970 as detailed.
19. The Driver further stated at the Committee hearing that he had suffered with his mental health and that this had impacted his judgement and failure to report convictions to the Licensing Officers. The Driver further confirmed that, whilst he could not remember the exact date, the speeding offence, resulting in a speed awareness course, happened whilst he was a licensed driver.
20. The Committee believed that the Driver was dishonest and showed a clear pattern of behaviour not befitting a licensed taxi driver in Middlesbrough. The Committee were extremely concerned that a professional driver had accumulated 9 penalty points on their licence and have been caught speeding on two occasions, as well as running a red light and using a vehicle uninsured against third party risks, which was seen as a major traffic offence.
21. The Committee did not look favourably on the Driver continuing to speed, despite having participated in a speed awareness course, they believed this should have acted as a warning and lesson for the Driver.
22. The Committee was equally as alarmed that on two occasions, the Driver had failed to notify of a conviction within 48 hours, in fact the Committee believed that the delay in notification was a deliberate attempt at concealing his offences from the Licensing Team. The Committee deemed it unacceptable for a driver to delay by nearly 4 and 5

months for offences.

23. The Committee determined that this was a pattern of behaviour and not lapses in judgement, they found that the Driver repeatedly and continually disregarded the Policy and the law.
24. It was therefore considered that the driver was not a fit and proper person or safe and suitable to be licensed as a private hire driver in Middlesbrough.
25. The Committee based on the evidence they were presented with determined there were no compelling, clear, good or exceptional reasons to depart from the Policy, and decided to revoke the licence for the reasons set out above.
26. The decision was made to revoke the license with immediate effect as the Committee believed the continual offending and the failure to follow Policy procedures in reporting offences was a serious risk to public safety and that the driver is not a fit and proper person.
27. 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 is the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.
28. If the Driver did appeal the decision and the appeal was dismissed by the Magistrates Court, the Council will claim its costs in defending its decision from the Applicant which could be in the region of £1000.

25/11

**REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE REF: 21/25**

AGENDA ITEM 12 DEFERRED