

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on Monday 21 July 2025.

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

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

APOLOGIES FOR ABSENCE: Councillors P Gavigan and TA Grainge

25/19 **DECLARATIONS OF INTEREST**

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

25/20 **MINUTES - LICENSING COMMITTEE - 23 JUNE 2025**

The minutes of the Licensing Committee held on 23 June 2025 were submitted and approved as a correct record.

25/21 **LICENSING UPDATES**

There were no updates to be provided.

NOTED

25/22 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

There were no urgent items.

NOTED

25/23 **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.

25/24 **APPLICATION FOR RENEWAL OF PRIVATE HIRE VEHICLE DRIVER LICENCE REF:- 25/25**

The Director of Environment and Community Services submitted an exempt report in connection with an application for the renewal of a Private Hire Vehicle Driver Licence, Ref: 25/25, 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 accompanied by his legal representative, verified his name and address and confirmed he had received a copy of the report and understood its contents.

The Principal Licensing Officer presented a summary of the report. It was acknowledged that the matter had been scheduled for consideration at the Licensing Committee on 23 June 2025, however, Members agreed to defer consideration to today's meeting due to the unavailability of the applicant's legal representative.

The Committee was advised that the applicant was first licensed by Middlesbrough Council on 1 June 2023. The applicant's licence was due to expire on 31 May 2025 and he submitted an application to renew the licence on 28 May 2025.

The applicant appeared before Members due to the offence listed at 1) in the report. It was noted that the applicant had notified the Licensing Office, by email, on 27 May 2025, of the offence, together with his change of address.

As previously stated, the applicant had submitted an application to renew his licence on 28 May, the day after notifying the Licensing Office of the offence at 1), however, he failed to declare this on his application form.

On 30 May 2025, during a routine check on the applicant's DVLA licence status, it showed the offence of using a vehicle uninsured against third party risks dated 26 March 2025, for which the applicant received six penalty points and £300 fine. Officers also discovered that the applicant's DVLA licence was valid from 28 March 2025.

The applicant was interviewed by Licensing Officers on 2 June 2025 when he provided an explanation in relation to the offence at 1). When questioned regarding the issue date of his DVLA licence, the applicant explained that he had notified the DVLA regarding his change of address and was accordingly issued with a new licence.

The circumstances of the offence were set out in the report which included the applicant obtaining temporary insurance cover for the vehicle in question, at the roadside, when he had been stopped by the Police. A copy of the temporary insurance documentation was appended to the report. In addition, a copy of the 'Conditional Offer of a Fixed Penalty' issued by Cleveland Police in relation to the offence was attached at Appendix 1.

The Principal Licensing Officer highlighted that one of the conditions of a Private Hire driver's licence was to notify the Council, in writing, within 48 hours of any cautions or convictions for any motoring or criminal offence. Whilst the applicant had notified the Licensing Office on 27 May 2025 of the offence at 1), the offence occurred on 26 March 2025.

A further condition on the licence was to notify the Council, in writing, within seven days of any change of name or home address. Again, the applicant had failed to comply having changed address in October 2024 but not notifying the Licensing Office until 27 May 2025.

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 case.

The applicant's representative presented the case in support of the application and, together with the applicant, 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, 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 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 Licence, Ref No: 25/25, 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, and on behalf of, the driver.

3. The review of the licence application for renewal 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. It was also clear that drivers must notify the Council, in writing, within seven days if they changed their home address or name.
9. The Policy further stated that if an applicant for a drivers licence 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 appeared before the Committee as a result of a conviction for an IN10 offence of using a vehicle uninsured against third party risks. The applicant was convicted on 26 March 2025 and received a £300 fine as well as six penalty points endorsed on his driving licence.
11. The applicant was first licensed as a Private Hire Vehicle driver on 1 June 2023, with such licence expiring on 31 May 2025.
12. On 27 May 2025, the applicant emailed the Council's Licensing Department to inform them that he had received six points on his licence for the aforementioned offence. The applicant further informed of a change of home address.
13. On 28 May 2025, the applicant submitted a renewal application for his Private Hire Vehicle driver's licence. 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.
14. Regarding the offence, the applicant informed Licensing Officers during interview that he was travelling in his mother's car as his was under repair in the garage. The car the applicant was travelling in had a headlight not working which gave the Police cause to stop him. The applicant believed he was covered to drive his mother's car as he was insured fully comprehensive on his own car insurance.
15. The applicant explained that once the Police Officer had conducted checks on his insurance, it was determined that he was not insured on his mother's vehicle and required a separate policy. The applicant immediately called his insurance company and obtained a temporary insurance document. The applicant was informed that he would be receiving a fine and either three or six points on his licence.

16. When questioned why he had answered 'no' to any convictions, cautions or investigations on the application form, the applicant stated that he was confused and thought the question was regarding any criminal convictions.
17. Further, in interview, the applicant stated that he had moved address in October 2024. The applicant admitted that it was an oversight on his part that he had not notified the Licensing Department. He stated he only realised when he had accessed his taxi online account and upon receipt of the Police letter.
18. At the Committee hearing, the applicant, through his representative, submitted that he was picking up his younger sister and that he had permission to use his mother's vehicle. It was further explained that both the applicant and his mother believed he was covered through his own insurance. The Committee was referred to the appendices of the report, specifically the insurance documents. The insurance policy document showed that the cover was obtained less than 30 minutes after the offence, and that as soon as the applicant had become aware he rectified the issue, emphasising it was unintentional and a genuine error.
19. The Committee also heard that the applicant had not purposely delayed informing the Licensing department of the offence. It was explained that he was stopped on 26 March 2025, received the fixed penalty notice documents on 7 April 2025, paid the fine on 6 May 2025, the payment was processed on 15 May 2025 and finally that he was notified on 27 May 2025 that it was finalised. The Committee heard that the applicant did not know when the 48 hour notification period would commence, and that he believed that he had notified the Licensing department promptly upon the confirmation being received on 27 May 2025.
20. The Committee noted that the applicant had an endorsement for a major traffic offence, and that in accordance with the Policy an application would normally be refused for a period of five years.
21. The Committee further considered the applicant's failure to notify the Licensing Department promptly and determined that the applicant had multiple opportunities from the date of the offence, being 26 March 2025 onwards, to do so. The Committee believed that the applicant could have notified the Licensing Department when he received the offer on 7 April 2025 or at the very least when he had made payment on 6 May 2025.
22. The Committee also concluded that it was unacceptable that it had taken the applicant around seven months to notify the Licensing Department of a change of address. The Policy was clear, any change in address should be relayed to within seven days.
23. For the reasons outlined above, the Committee concluded that the applicant was not a fit and proper person, or safe and suitable, to be licensed as a Private Hire Vehicle driver in Middlesbrough.
24. The Committee, based on the evidence it was presented with, 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.
25. 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 is the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.
26. If the applicant does 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.

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 26/25, 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 presented a summary of the report stating that the applicant appeared before Members due to the convictions detailed at 1) to 3) in the submitted report and confirmed that the applicant had disclosed his convictions on his application form.

The applicant was interviewed by a Licensing Officer on 7 July 2025 when he provided explanations in relation to the offences at 1) to 3) and confirmed that there were no outstanding matters 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.

It was confirmed that there were no 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: 26/25, 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 19 December 2017 of Battery under S39 of the Criminal Justice Act 1988. The applicant was originally sentenced to a six month conditional discharge, £85.00 costs and £20.00 victim surcharge.
6. The applicant was convicted on 6 May 2018 of driving a motor vehicle with excess alcohol on 5 February 2018 under S5(1)(a) Road Traffic Act 1988. The applicant's conditional discharge was subsequently varied and the applicant was sentenced, in total, for both this offence and the battery offence, to a £60.00 fine, a £295.00 fine, £85.00 costs, £30 victim surcharge and disqualified from driving for 20 months. The applicant completed a course which reduced the driving disqualification by 20 weeks.
7. The policy on convictions was set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
8. The Policy was clear, it stated that a licence would normally be refused if an applicant had been convicted of 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 convictions has elapsed since the completion of any sentence imposed.

9. The Policy further stated that an applicant who had a conviction for drink driving must show at least seven years free from conviction since the completion of any sentence or driving ban imposed before their application would be considered.
10. The applicant was interviewed by a Licensing Enforcement Officer on 7 July 2025. During interview, the applicant stated that regarding the first offence of battery, he and his wife were very drunk and arguing in the town centre. The applicant stated that his wife became aggressive so he took hold of her upper arms to stop her lashing out and his wife flagged down a Police Officer. The applicant was subsequently arrested and charged, despite his wife withdrawing her support of the prosecution.
11. With regard to the second offence, the applicant stated that he had bumped into some friends in Middlesbrough town centre and foolishly drunk five pints of lager with them and then agreed to drive his friend to Stockton town centre. The applicant drove to Stockton at around midnight and was pulled over by Police as he had failed to indicate when turning into a road. The Police subsequently smelt alcohol on him and his breathalyser test showed that he had blown 73, meaning he was two times over the legal limit. He was subsequently arrested and charged.
12. At the Committee hearing, the applicant stated that he had not offended since 2018 and that he and his wife have subsequently split up, he stated he has custody of his children.
13. The Committee considered the two offences and concluded that both were extremely serious. 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 is what the applicant was convicted of, therefore, this ends in December 2027.
14. The Committee, for the reasons set out above, could not be satisfied that the applicant was a fit and proper person, or safe and suitable, to be licenced as a Private Hire Vehicle driver in Middlesbrough.
15. 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.
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 Court for the area is: Teesside Justice Centre, Teesside Magistrates Court, Victoria Square, Middlesbrough, TS1 2AS.
17. If the applicant does 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.