

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on Monday 13 October 2025.

PRESENT: Councillors L Lewis (Chair), S Hill (Vice-Chair), J Cooke, J Ewan, P Gavigan, TA Grainge, D Jones, J Kabuye, T Livingstone, J McTigue, M Nugent and J Platt

OFFICERS: J Dixon, F Helyer, T Hodgkinson, R Johansson and T Durance

APOLOGIES FOR ABSENCE: Councillors A Romaine

25/40 **DECLARATIONS OF INTEREST**

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

25/41 **MINUTES - LICENSING COMMITTEE - 22 SEPTEMBER 2025**

The minutes of the Licensing Committee held on 22 September 2025 were submitted and approved as a correct record.

25/42 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

Update – Licensing Appeals

The Chair agreed to consider a verbal update on Licensing Appeals under any other urgent items. The Licensing Manager advised that, under Delegated Powers, since the previous Licensing Committee, Officers had recently revoked four taxi driver licences as follows:-

1. 25 September 2025 – Revocation following arrest of driver in relation to rape. (Allegation made by former partner).
2. 30 September 2025 – Revocation following arrest of driver in relation to wounding with intent to cause grievous bodily harm. (Allegation made by partner attending A&E).
3. 30 September 2025 – Revocation following arrest of driver in relation to wounding with intent to cause grievous bodily harm and violence to enter premises. (Allegation made by partner following incident at home).
4. 3 October 2025 – Revocation following arrest of driver in relation to possession of Class A drugs with intent to supply.

In addition, the Council's Legal Representative updated that a recent appeal made by a driver in relation to the revocation of their licence due to motoring offences was dismissed by the Magistrates Court as he had failed to comply with any Court directions. It was understood that the driver intended to appeal to Crown Court.

NOTED

25/43 **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.

ORDER OF BUSINESS - SUSPENSION OF COUNCIL PROCEDURE RULE No. 4.13.2

ORDERED that in accordance with the Council's Constitution Procedure Rules, paragraph 4.30.1(c), the Committee agreed to vary the order of business to consider the agenda items as follows: Agenda items 7, 6 and 8.

REVIEW OF PRIVATE HIRE VEHICLE DRIVER LICENCE - REF: 32/25

The Director of Environment and Community Services submitted an exempt report in connection with the review of Private Hire Vehicle Driver Licence, Ref: 32/25, where circumstances had arisen which required special consideration by the Committee.

The Chair introduced those present and outlined the procedure to be followed. The driver, who was in attendance at the meeting, accompanied by his cousin, verified his name and address and confirmed he had received a copy of the report and understood its contents.

The Principal Public Protection Officer (Licensing) presented a summary of the report outlining the driver's licensing history. The driver was first licensed with Middlesbrough Council in November 2014 and appeared before Members due to the conviction detailed at 1) in the submitted report.

The driver was interviewed by a Licensing Officer on 8 September 2025 when he confirmed that there were no other outstanding matters of which the Council was unaware and provided an explanation in relation to the offence at 1).

The driver had explained that the offence occurred whilst he was using his personal vehicle working as a delivery driver for a food delivery firm and not whilst working as a taxi driver. He was stopped by the Police and issued with a £200 fixed penalty notice and six penalty point on his DVLA licence. The driver confirmed that he had paid the fine.

It was highlighted that the driver had failed to report the matter to the Licensing Office, as required by condition on this licence. During interview the driver was reminded of this requirement and advised that it had been covered as part of his training, to which the driver had responded that his training had taken place a long time ago.

The driver confirmed the content of the report as being an accurate representation of the facts.

In response to a query raised by a Member, the Licensing Manager confirmed that date of the driver's conviction was 9 July 2022 and not 2025 as stated in the report. It was also confirmed that the penalty points on the driver's licence had come off in July 2025 as they remained on the DVLA licence for a period of three years.

In response to a further query by a Member of the Committee, it was confirmed that currently no refresher training was provided to drivers. Members requested further discussion around this issue at the end of the meeting.

The driver was invited to address the Committee in support of his case.

The driver's cousin spoke on behalf of the driver, and they responded to questions from Members of the Committee, the Licensing Officers and the Council's Legal Representative.

It was confirmed that there were no further questions and the driver, his cousin, 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: 32/25, 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 licence on the grounds that:

- Since the grant of the licence the Driver has been convicted of an offence involving dishonesty, indecency or violence.
 - Since the grant of the licence the Driver has 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 revoke the Private Hire Vehicle Driver Licence on the grounds of any other reasonable cause.

Reasons

5. The Policy confirms 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. For the purpose of the guideline's, simple cautions, fixed penalties and community resolutions shall be treated as though they were convictions, and they shall be disclosed to the Council accordingly.
8. If a driver is 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
9. The Policy is clear, stating that a serious view will be taken regarding convictions for driving whilst using a mobile phone or hand-held device. A driver's licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.
10. The applicant had been licensed as a private hire driver with Middlesbrough Borough Council since 11 November 2014, with such licence expiring on 31 October 2025.
11. On 9 July 2022, the applicant was convicted of a CU80 Offence, specifically breach of requirements to control a vehicle whilst using a mobile phone and sentenced to £200 fine as well as 6 penalty points. Whilst the licensing report stated the date of conviction as 9 July 2025, this was a typographical error and should have stated 2022.
12. The applicant failed to notify the Licensing Department of the Council within 48 hours, contrary to the requirement to do so, as detailed in the Policy. During a routine DVLA driver licence enquiry conducted on 24 June 2025, Officers became aware of the conviction.
13. The applicant was interviewed on 8 September 2025 by a Licensing Officer. Full details of the interview were contained in the licensing report.

14. The applicant stated that the offence occurred whilst he was working as a delivery driver for Uber Eats and Just Eat. He stated that he was pulled over by police shortly after leaving his home address and that the police officer had seen him using his mobile phone whilst driving. The applicant stated the mobile phone was on the passenger seat and that he was simply pressing it to accept a new delivery job.
15. The applicant stated he was immediately fined £200.00 and issued with 6 penalty points on his licence.
16. When asked why he had not notified the Licensing Department, the applicant explained that he had chosen not to report it as he wasn't driving a taxi at the time of the offence. The applicant further stated that he did not realise that using his mobile phone whilst driving was considered a serious breach of his private hire driver's licence.
17. At the Licensing Committee meeting the applicant stated that he was extremely sorry and admitted that he had made a mistake in not notifying the Licensing Department of his conviction. He further stated that as he was issued a fixed penalty notice, he didn't think he had to notify the department of this. The applicant informed the Committee that he had not driven taxis for a considerable amount of time, instead choosing to work as a delivery driver and working as a plumber for financial reasons.
18. He further informed the Committee that he hadn't picked up his licence from the Council offices after it was last renewed, as he hadn't needed to use it. He stated he kept his taxi licence just in case he wants to get back into the work, in the event the delivery work does not prove to be financially viable.
19. When asked why his phone was on the passenger seat and why he did not have a bracket for the phone, the driver stated that his bracket was broken at the time.
20. The Committee also queried whether his current employers for his delivery driving were aware of his conviction, to which the applicant stated they were.
21. The Committee, based on the evidence they were presented, determined no compelling, clear, good or exceptional reasons to depart from the Policy, and decided to revoke the licence for the reasons set out above.
22. The Committee believed that the failure to inform the Licensing Department of the conviction was deliberate, especially as the applicant had informed his delivery driving employers.
23. The Committee considered the age of the offence, and the applicants record since, however deemed that he had deliberately concealed notifying the Council and that the delay in the Committee hearing this matter, was not the fault of the Licensing Department, but rather due to the applicants inability to follow the Policy.
24. The Committee further considered it was not acceptable for a person who drives for a living to be convicted of using a mobile phone whilst driving, especially given the data behind how dangerous this is, and as a result the driver was not a fit and proper person.
25. The Committee noted that this was a major traffic offence and in line with the Policy, the Committee determined that the applicant was not a fit and proper person to hold a private hire driver's licence in Middlesbrough.
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 is the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.
27. If the applicant did appeal the decision and the appeal is dismissed by the Magistrates Court, the Council will claim its costs in defending its decision from the driver which

could be in the region of £1000.

25/45

REVIEW OF COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE - REF: 31/25

The Director of Environment and Community Services submitted an exempt report in connection with the review of Combined Hackney Carriage and Private Hire Vehicle Driver Licence, Ref: 31/25, 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 attended the meeting, verified his name and address, and confirmed he had received a copy of the report and understood its contents.

The Principle Public Protection Officer (Licensing), presented a summary of the report, outlining that the driver appeared before Members in relation to a conviction recorded against him at 1) in the report.

Council records indicated that the driver had been licensed with the Council since 1998, holding a Combined Hackney Carriage and Private Hire Driver's Licence. This licence was scheduled to expire on 31 November 2025.

In January 2025, Licensing Officers became aware that the licence holder had not signed up to the DBS Update Service as required by the Council's Taxi Licensing Policy. A new DBS certificate was subsequently obtained in April 2025, which revealed a conviction from December 2022 for being in charge of a dog dangerously out of control causing injury. The offence related to an incident in July 2021.

The driver explained to Licensing Officers that the incident had occurred at business premises shared with another individual. The dog involved was normally kept on the premises as a guard dog. On the day of the incident, the victim entered the unit early in the morning when it was still dark. The driver stated that the dog did not recognise the victim and attacked, resulting in injury. The police attended, and the driver was subsequently charged and appeared before Magistrates' Court where he pleaded guilty. A suspended custodial sentence, restraining order, compensation order, victim surcharge, and disqualification from keeping animals were imposed.

The driver stated that he had informed a Licensing Officer of the conviction at the time by telephone, although there was no official record of the call. There was, however, evidence of previous correspondence on 12 October 2024, indicating that the matter was known to the Licensing Department.

On 30 September 2025, the Licensing Manager contacted the driver to clarify the circumstances surrounding the restraining order. The driver denied any harassment and explained that he no longer operated a business from the premises concerned.

A Member asked the Licensing Manager for clarification on the DBS Update Service, specifically how long the service remains active and how notifications of convictions are received. The Licensing Manager explained that if a subscription to the Update Service is not renewed by the license holder, a new DBS application is required. It was further explained that if the subscription lapses, the Licensing Department would not be notified of any new convictions until a new DBS certificate is obtained.

A Member asked the driver how long the victim had known the dog involved in the incident. The driver responded that it has been approximately four years and explained that the dog belonged to a family member. A Member also asked about the restraining order and harassment, and the driver stated he was unsure why that conviction was imposed but believed it may have been connected to sharing the business unit with the victim.

The driver was invited to speak in support of their review; he stated that he had been a licensed driver since 1998 and currently worked as an executive driver for a private hire operator. He highlighted that he had maintained high passenger ratings and had not

encountered any issues during the time he held a licence.

It was confirmed that there were no further questions and the driver, 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 Combined Hackney Carriage and Private Hire Vehicle Driver Licence, Ref No: 31/25, be revoked with immediate effect, as follows:-

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 has been convicted of an offence involving dishonesty, indecency or violence.
 - Since the grant of the licence 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, Middlesbrough Council Private Hire and Hackney Carriage Policy 2022 ("the Policy"), the report and the representations made by the applicant.

Decision

1. After carefully considering all the information the Licensing Committee decided to revoke the applicants Combined Hackney Carriage and Private Hire Vehicle Driver Licence, on the grounds of any other reasonable cause. It was decided that the revocation is to have immediate effect in the interests of public safety under section 61(2B) of the Act.

Reasons

2. The Policy confirms 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.
3. The Council's duty is to ensure, so far as possible, its licensed drivers and private hire operators are fit and proper people to hold such a position of trust. This involves a detailed assessment of an applicant or licensee's character.
4. A licence will normally be refused where the applicant has a conviction for an offence of violence against a person, or connected with any offence of violence, until a period of at least ten years free of such conviction has elapsed and since the completion of any sentence imposed.
5. On 9 December 2022, the applicant was convicted of being the owner/person in charge of dog dangerously out of control causing injury on 13 July 2021, contrary to section 3 of the Dangerous Dogs Act 1991.

6. The applicant was sentenced to imprisonment of 15 months wholly suspended for 2 years, a victim surcharge of £156.00, disqualification relating to animals for 5 years, a restraining order protecting the victim from harassment until 12 January 2028 and compensation of £100.00.
7. The applicant was licensed with Middlesbrough Council since 1998. He currently holds a combined and private hire licence which was due to expire on 30 November 2025.
8. Officers became aware that the applicant had not signed up to the DBS update service as required by the Policy and as a result contacted the applicant to request a new DBS certificate and that the applicant sign up to the service. The applicant provided an up-to-date DBS in April 2025 which listed the mentioned offence.
9. The applicant was interviewed by Licensing Officers in relation to the offence. A full summary of the interview can be found in the Committee report.
10. The applicant stated that an incident occurred on 9 December 2022 at his shared business unit on Bishop Street, Middlesbrough. The applicant's son owned a Cane Corso dog which was normally kept chained in the applicant's part of the unit to act as a guard dog.
11. The individual, that the applicant shared the unit with, entered unusually early one morning and as it was dark the dog did not recognise the individual and attacked him. The victim had to attend the hospital and received stitches to his hand.
12. The victim subsequently called the police and informed them that the dog was not trained. The applicant was notified by the police that as he was the business owner and had attended the unit to tie the dog, he was responsible for the offence.
13. When asked why he had not reported the incident, the applicant stated that he had contacted the Licensing Office and spoke with one of the Licensing Officers. He stated that he had informed the Licensing Officer of the offence, who in turn stated that it would be investigated, and someone would get back to him. Unfortunately, there is no record of this call, and the Licensing Department were unable to verify this account as the Licensing Officer that the applicant spoke to has since passed. There is correspondence between the Licensing Officer and the applicant on 12 October 2024, to suggest awareness of the conviction.
14. Licensing Officers further queried the restraining order aspect of the sentence; however, the applicant was unable to provide a comprehensive explanation, stating that he believed it was because they shared the same unit. He denied harassing the victim.
15. At the Licensing Committee meeting, the applicant stated that he had been a driver since around 1998 and that he had received no complaints or convictions. He further stated he was working as an Uber Executive driver and had a 4.9 out of 5 rating. He informed the Committee that his car was valuable and worth around £60,000 and this is why he only did Executive work.
16. The applicant stated that the police reports clarify that the incident was an accident. The dog was a guard dog for the unit following break-in attempts but was usually tied

up. It was this one occasion when the dog had come loose and attacked the victim. The applicant further informed the Committee that the victim had been familiar with the dog for around four years and there had been no issues previously.

17. When asked further on the restraining order aspect of the sentence, the applicant could not offer anything further than what he had said in his interview with Licensing Officers and simply stated that it was probably made as the victim did not want to share the unit with him anymore. The applicant was asked if he had any issues with the victim in the past, to which he responded no, and they weren't on bad terms.
18. The Committee asked what had happened to the dog after the attack and the applicant responded saying he is not sure. He believed his son had sold the dog.
19. The Committee were particularly concerned about the restraining order that was imposed on the applicant, and following answers by the applicant, the concerns were not alleviated. They considered whether there had been an underlying issue between the victim and the applicant.
20. The Committee further considered the sentencing guidelines for the offence and determined that there must have been factors increasing seriousness due to the higher sentence that the applicant received.
21. The Committee were also concerned about the applicant's version of events, believing his answer regarding whether the dog was tied up or not was unclear. The applicant stated the dog was a guard dog but was tied up and that it was unfortunate on that occasion that the dog had escaped. The Committee found that explanation difficult to understand and queried why a guard dog would be permanently tied up.
22. The Committee were concerned with the applicant's answer around what happened to the dog. They found his answer to be vague when he stated that he wasn't sure, but that he believed the dog had been sold.
23. The Committee found that this was a violent offence, and that the injuries the victim suffered were serious. The Policy stated that a licence will 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 has elapsed since the completion of any sentence imposed.
24. The Committee believed that there was a necessity to consider public safety, and that the offence was a very big concern. The Committee found that the applicant is not a 'fit and proper' person and therefore the decision was made to revoke the licence with immediate effect for the safety of public.
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 did appeal the decision and the appeal was dismissed by the Magistrates Court, Council will claim its costs in defending its decision from the applicant which can be in the region of £1000.

APPLICATION FOR PRIVATE HIRE VEHICLE DRIVER LICENCE - REF: 33/25

The Director of Environment and Community Services submitted an exempt report in connection with the application for Private Hire Vehicle Driver Licence, Ref: 32/25, 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 attended the meeting, accompanied by his wife, verified his name and address and confirmed he had a copy of the report and understood its contents.

The Principal Public Protection Officer (Licensing) presented a summary of the report outlining that the applicant appeared before Members in relation to a conviction recorded against him at 1) in the report.

The report outlined that the applicant had a previous conviction dated 6 July 2022 for disqualification under the totting up procedure, resulting in a six-month driving disqualification. Licensing Officers were made aware of the conviction through a routine DVLA driver licence enquiry.

The report noted that the applicant had failed to disclose the offence on their application. The applicant was interviewed by Licensing Officers on 5 August 2025 and confirmed that there were no other outstanding matters of which Council was unaware.

The applicant explained that they had abroad for a period of nine months when the disqualification was issued and had not received the relevant correspondence. They stated that post was delivered to a neighbour's property, but the houses had an unusual numbering system, and sometimes mail was mixed up. The neighbour, who also worked away, did not pass on the summons or fine notices. The applicant stated that bailiffs later attended his parent's house, who redirected the bailiffs to his wife's address, and the fine was subsequently paid.

The applicant stated that he had been in shock when their application was refused because he was not aware of the conviction.

A Member asked the applicant about the totting up procedure and noted that it required more than twelve penalty points to trigger disqualification. The applicant stated that additional points may have come from a separate speeding offence when travelling to and from Grimsby.

A Member asked the whether the applicant had attempted to appeal the conviction. The applicant stated that they had assumed the time to contest the offence had expired, as they were abroad when the summons was issued and the fine remained unpaid.

The applicant was invited to address the Committee in support of his application.

The applicant stated that they were no longer disqualified as the offence occurred three years previously. He explained that he had previously held a taxi driver licence with the Council for many years and has worked in the trade alongside family members who had also been licensed operators. He stated that that he previously maintained a good relationship with passengers and was well regarded by regular customers. It was his intention to work on a semi-retired basis for approximately 30 hours per week and believed his previous experience as a taxi driver was beneficial.

It was confirmed that there were no further questions and the applicant, his wife, 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 Private Hire Vehicle Driver Licence, Ref No: 33/25, 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 and his wife.
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 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. On 6 July 2022, the applicant was disqualified from driving for six months under the totting up procedure; a TT99 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 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.
8. The policy confirms that a TT99 offence was deemed a major traffic offence and confirms that it signified a disqualification under totting-up procedure following receipt of twelve or more penalty points within a three year period.
9. In accordance with the policy, and when considering the applicant's disqualification, the relevant period for the applicant to remain conviction free will end on 6 January 2028.
10. The applicant, when completing the application form, failed to disclose the offence to the Licensing Officers. Licensing Officers were only made aware of the conviction because of a routine DVLA driver licence enquiry.
11. The applicant was interviewed by Licensing Officers on 5 August 2025. A full summary of the interview can be found in the committee report.
12. The Applicant informed Licensing Officers that he had been working away in Denmark for a period of nine months at the time he had received the six-month disqualification and that he had not received any correspondence in relation to the driving offences due to mail delivery issues.

13. The applicant informed Licensing Officers that whilst he was working abroad, his sister had driven one of his vehicles and that whilst doing so, she had incurred the points for speeding. The applicant stated that the speeding had occurred as his sister was travelling North on the A19 towards the Tyne Tunnel. The applicant stated that the identity of the driver was wrongly noted as he had not received the correspondence.
14. The applicant stated that it wasn't until the bailiffs had visited his parent's house that he became aware of the offence. He stated that he had paid £1,200 in fines for the speeding ticket but that he was unaware of the additional penalty points or disqualification.
15. The applicant could not recall the circumstances behind the other motoring offences which led to his disqualification under the totting up procedure.
16. At the Committee meeting, the applicant stated that he had held a taxi licence previously for around twenty years but had chosen to go abroad to work for financial reasons. He stated that this is the right time for him to return to taxi driving as he wanted to be closer to his family.
17. The Committee also heard from the applicant that there has been a longstanding issue with him receiving post. The applicant stated that he often received neighbours post and vice versa. The applicant stated he had never received anything in relation to the speeding offence, or the disqualification.
18. When asked where the correspondence could have gone, the applicant believed it must have gone to his neighbour who also worked abroad and only returns home for two weeks during the Christmas period.
19. When questioned around how he had received the other penalty points as part of the totting up procedure, the applicant stated that he couldn't remember. The applicant did reference a potential speeding offence on a trip to Grimsby and then again on the return from that trip but stated that he couldn't be sure this is the occurrence.
20. The applicant and his wife both stated that post often went unopened due to working abroad and that correspondence on fines and points could have been missed or not received.
21. 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.
22. The Committee found the explanations given by the applicant to be confused and evasive. The Committee could not understand how the applicant could not recall receiving any of the penalty points, nor could they understand how he did not have knowledge of a disqualification.
23. The Committee heard from the applicant that he didn't receive the post regarding the speeding but also heard that post often went unopened, which they believed was contradictory.
24. The Committee were clear that they could not go behind the disqualification and they felt the explanations given by the applicant did not satisfy them to depart from the policy.
25. The Committee believed the accumulation of twelve or more points, leading to a disqualification, showed that the applicant is not a fit and proper person or safe and suitable to be licensed as a private hire vehicle driver in Middlesbrough.
26. The Committee based on the evidence they were presented with, decided there were no compelling, clear, good or exceptional reasons to depart from the policy and

refused to grant the licence for the reasons set out above.

27. 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.
28. If the applicant did 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.