

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on Monday 24 November 2025.

PRESENT: Councillors L Lewis (Chair), S Hill (Vice-Chair), P Gavigan, D Jones, J Kabuye, T Livingstone, M Nugent, J Platt and A Romaine

OFFICERS: J Dixon, T Hodgkinson, V Alexander and T Durance

APOLOGIES FOR ABSENCE: Councillors J Cooke, J Ewan, TA Grainge and J McTigue

25/58 **WELCOME AND FIRE EVACUATION PROCEDURE**

The Chair welcomed those present and highlighted the Council's Fire Evacuation Procedure.

25/59 **DECLARATIONS OF INTEREST**

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

25/60 **MINUTES - LICENSING COMMITTEE - 3 NOVEMBER 2025**

The minutes of the Licensing Committee held on 3 November 2025 were submitted and approved as a correct record.

25/61 **LICENSING UPDATES**

The Licensing Manager advised Members that since the previous Committee meeting, under Delegated Powers, Officers had revoked a Private Hire Vehicle driver licence, with immediate effect, on 3 November 2025.

The revocation was made following a report from a witness who had observed the driver driving dangerously. Following an interview with Licensing Officers, the driver's licence was revoked.

NOTED

25/62 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

There were no urgent items to be considered.

25/63 **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.

25/64 **APPLICATION FOR PRIVATE HIRE VEHICLE DRIVER LICENCE REF:- 38/25**

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 38/25, where circumstances had arisen which required special consideration by the Committee.

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

The Licensing Manager presented a summary of the report outlining that the applicant was previously first licensed with Middlesbrough Council in August 2005. The applicant's last licence was revoked by Officers on 9 October 2024 following a Common Law disclosure by

Cleveland Police on 7 October 2024.

The disclosure stated that the applicant was arrested on 13 September 2024 for possession with intent to supply a Class B drug and possession of a bladed article in a public place. The disclosure went on to state that no further action was taken in relation to the second offence. A copy of the revocation letter was attached at Appendix 1 and it was highlighted that the applicant had declared the previous revocation on his application form.

Council records showed that the applicant was first granted a licence by the Licensing Committee, following consideration of a single offence now deemed to be too old to be considered. He then appeared before Members in September 2009 for renewal of his licence following a further conviction now considered to be too old for consideration. On that occasion the licence was granted with a warning.

The applicant again appeared before Members in January 2011 for review of his licence following a further conviction, now deemed to be too old for consideration. His licence was revoked with immediate effect on the grounds of public safety.

In February 2014, the applicant appeared before Members with a fresh application due to a further Police Caution now deemed too old for consideration. On that occasion, his licence was granted. He was licensed continually from then until October 2024 when his licence was revoked by Officers following the disclosure by Cleveland Police.

The applicant was interviewed by Licensing Officers on 4 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 his revocation in October 2024.

It was highlighted that as an alternative to prosecution, the Police offered the applicant a drug rehabilitation course. The applicant completed a six-week 'Divert' course within five weeks and a copy of a letter confirming his completion of the course was attached at Appendix 2.

Council records also showed that in 2019, the applicant was asked to undertake a drugs test by Licensing Officers. When asked about this, the applicant could not recall whether this was as a result of a complaint or whether it was a random test.

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 spoke in support of his application and responded to questions from Members of the Committee and the Council's Legal Representative.

It was confirmed that there were no further questions and the applicant, and Officers of the Council, other than representatives of the Council's Legal and Democratic Services teams, withdrew from the meeting whilst the Committee determined the application.

Subsequently, all parties returned, and the Chair announced a summary of the Committee's decision and highlighted that the applicant would receive the full decision and reasons within five working days.

ORDERED that the application for Private Hire Vehicle Driver Licence, Ref No: 38/25, 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 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 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 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 could consider circumstances of concern even though a conviction had 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.
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 where it stated an applicant with an isolated conviction, caution, reprimand or final warning issued by the Police, for a drug related non- driving offence, should be required to show a period of at least five years free of conviction, caution, reprimand or final warning since the completion of any sentence imposed before an application was considered.
9. The applicant's first licence was granted on 22 August 2005 by Members at a Licensing Committee following consideration of a criminal offence at the time.
10. The applicant appeared before Committee on 14 September 2009 for consideration of an application to renew his licence, following a further conviction. The Committee granted the renewal of the licence on that occasion, but with a warning.
11. On 10 January 2011 the applicant again appeared before the Committee following a further conviction. The Committee decided to revoke the applicant's licence, with immediate effect, on public safety grounds.
12. On 17 February 2014, the applicant appeared before the Committee for an application for a Private Hire Vehicle driver licence, as a result of a caution he had received. The Committee decided to grant the licence on that occasion.
13. The applicant was continuously licensed with the Council from that time until 9 October 2024 when his licence was revoked following a Common Law disclosure from Cleveland Police.
14. The disclosure stated that on 13 September 2024, the applicant was arrested in connection with two offences as follows:-
 - Possess with intent to supply controlled drug - Class B drug – Cannabis and;
 - Possess Knife blade/sharp pointed article in a public place.

The disclosure also clarified that, in relation to the second offence, no further action was to be taken.

15. The applicant was interviewed by Licensing Officers on 4 September 2025, a full summary of the interview was contained within the report.
16. The applicant confirmed the information contained within the revocation letter dated 9 October 2024 was correct, a copy was appended to the report. The applicant stated that the knife found in his taxi vehicle was a small craft knife he had used to cut up carpet to dispose of. He confirmed that the Police had accepted this explanation and as a result

took no further action.

17. The applicant further stated the Police did not prosecute him for the drug offence but instead, as an alternative, requested he complete a drug rehabilitation course. He stated that the Police had told him that following completion of the course he would face no further action, nor would there be an entry on his criminal record.
18. The applicant stated that prior to being stopped, he had not used cannabis for over 14 months, and that he had only started to use it again due to the circle of friends he was associating with at the time.
19. The applicant completed the rehabilitation course within five weeks due to his good progress and a copy of the letter confirming the same was appended to the report.
20. Records also showed that in 2019 the applicant was asked to attend the Licensing Office to undertake a drugs test, which proved negative. Unfortunately, no other information was available in relation to this matter. When asked about the incident the applicant stated that he could not remember whether this was as a result of a complaint or was just a random test.
21. At Committee, the applicant stated that he had been a driver for a long time and that this was the only mistake he had ever made. He informed Members that he had been out of work since the revocation of his previous licence.
22. When questioned as to why he was pulled over by the Police, the applicant stated he was unsure. He was further asked why he had the drugs in his car and the applicant stated he had split the cost of purchasing the drugs with a friend. He assumed his friend would keep hold of the drugs but when he dropped his friend off at home on an occasion, his friend asked if he could keep them in the vehicle. The applicant told the Committee that he regretted letting the friend leave the drugs in the car.
23. At Committee, the applicant was questioned on why he had originally told Officers he was coerced into buying the drugs, as detailed in the October 2024 revocation letter. The applicant told the Committee that he was not coerced, and he had willingly purchased the drugs with a friend. He was also asked why he did not provide the name of his friend, the applicant reiterated that it made little difference to the outcome and therefore saw no benefit in doing so.
24. Members asked the applicant if he used cannabis prior to his arrest, to which he responded that he did not. However, Members then queried why the revocation letter confirmed that the applicant had accepted that he had used cannabis in the past. The applicant subsequently confirmed that he had smoked cannabis in the past whilst being a licensed driver, however, only on days off, never when he was working.
25. Members asked why he had been invited for a drugs test in 2019. The applicant initially stated he could not recall before stating that it must have been following a complaint.
26. The Committee found the applicant to be selective with the information he provided and did not believe that he was providing the full facts of the incident.
27. The Committee heard from the applicant that this was the only mistake he had made, however, Members did not accept this as his regulatory history showed he had appeared before the Committee on previous occasions. The Committee determined that there had been several incidents of concern and not one mistake as the applicant stated.
28. The Committee determined that the applicant refused to accept responsibility for his actions. The applicant attempted to deflect blame onto his peers and associates, rather than accept that he was an adult who made his own choices.
29. Members found it unacceptable that a licensed driver would purchase drugs with his friend for consumption, and then also transport the drugs in his licensed vehicle. Members were also concerned regarding the amount of cannabis in the applicant's possession, specifically 14 grams.

30. Members were appalled that the applicant openly admitted that he used cannabis when previously licensed and how he appeared to justify these actions by stating he only did so during days off.
31. The Committee also found the applicant's attitude towards cannabis use in general, extremely concerning.
32. The Policy clearly stated that for any drug related non-driving offences, a period of at least five years conviction free must have passed. In line with the application, the relevant period had not been completed.
33. The 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. 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.
34. If the applicant was aggrieved by the decision he may appeal to a Magistrates Court within 21 days from the date of the notice of the decision. The local Magistrates for the area was Teesside Justice Centre, Teesside Magistrates Court, Victoria Square, Middlesbrough, TS1 2AS.
35. If the applicant did appeal the decision and the appeal was dismissed by the Magistrates Court, the Council would claim its costs in defending its decision from the applicant which could be in the region of £1,000.

25/65

APPLICATION FOR PRIVATE HIRE VEHICLE DRIVER LICENCE REF:- 39/25

The Director of Environment and Community Services submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 39/25, where circumstances had arisen which required special consideration by the Committee.

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

The Licensing Manager presented a summary of the report outlining that the applicant was previously licensed with Middlesbrough Council from January to March 2024 when he surrendered his Private Hire Vehicle driver licence due to the revocation of his DVLA driving licence, as a result of the offence detailed at 1) in the submitted report.

The report highlighted that the Road Traffic (New Drivers) Act 1995 imposed a two-year probationary period on new drivers, whereby a new driver's DVLA licence would be revoked if they accumulated six or more penalty points in the first two years of holding a licence. As a result, they were required to retake both the theory and practical driving tests to have their DVLA licence reinstated.

As the applicant had not held a DVLA licence for two years prior to the offence at 1), his DVLA was revoked.

The applicant was interviewed by a Licensing Enforcement Officer on 19 September 2025 and again on 13 November 2025 in relation to the offence detailed at 1). The applicant confirmed that there were no outstanding matters of which the Council was unaware and provided an explanation in relation to the offence at 1), which related to using a mobile phone whilst driving.

The applicant confirmed that he had accepted a fixed penalty notice and six points on his licence and that he had paid the fine immediately.

The applicant had not informed the Licensing Department regarding the conviction and had subsequently been issued with a Private Hire Vehicle driver licence on 3 January 2024. When asked why he had failed to inform the Council regarding the conviction, he stated he had informed his employer but could offer no explanation as to why he had not informed the Council.

When he had received further correspondence from the DVLA in March 2024 advising him that his driving licence had been revoked, he informed the Council and surrendered his Private Hire Vehicle driver's licence and badge.

The applicant subsequently passed his driving theory and practical test on 11 February 2025 and his DVLA licence was reinstated.

The applicant confirmed that the report was an accurate reflection of the facts and was invited to address the Committee in support of his application.

The applicant spoke in support of his application and responded to questions from Members of the Committee and the Council's Legal Representative.

It was confirmed that there were no further questions and the applicant, and Officers of the Council, other than representatives of the Council's Legal and Democratic Services teams, withdrew from the meeting whilst the Committee determined the application.

Subsequently, all parties returned and the Chair announced a summary of the Committee's decision and highlighted that the applicant would receive the full decision and reasons within five working days.

ORDERED that Private Hire Vehicle Driver Licence, Ref No: 39/25, 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 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 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. The Policy was clear, it stated that a serious view would be taken for a conviction of driving whilst using a mobile phone or hand-held device and a driver's licence would not be granted until at least five years had elapsed since the conviction.
8. 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.
9. The applicant appeared before the Committee as a result of a conviction for a CU80 offence of breach of requirements as to control of vehicle, use of mobile telephone etc. The applicant was convicted on 13 December 2023 and received a £200 fine, and six

points endorsed on his licence. As the applicant received six points within the two-year probationary period for new drivers, in accordance with The Road Traffic (New Drivers) Act 1995, the applicant's DVLA licence was revoked.

10. The applicant was previously licensed as a Private Hire Vehicle driver with the Council on 3 January 2024 until 22 March 2024, when he surrendered the licence due to the aforementioned revocation of his DVLA licence.
11. On 19 September 2025 and 13 November 2025, the applicant was interviewed by a Licensing Enforcement Officer - the report contained a full summary of the interview.
12. The applicant stated that on 9 December 2023, he was travelling in his own vehicle in the town centre. The applicant informed the Officer that he always kept his phone in a holder on the dashboard. Whilst stationary at a set of traffic lights, the applicant stated he had noticed his phone was about to fall out of the holder, so instinctively tried to catch it.
13. The applicant stated that a Police Officer was also stopped at the lights, in the opposite direction, and subsequently pulled the applicant over. The applicant alleged that he explained the circumstances to the Police Officer, insisting that he was not making a call or texting, however, the Police Officer issued a fixed penalty notice and penalty points.
14. The applicant accepted the points and paid the fixed penalty immediately.
15. The applicant, prior to receiving his taxi licence in January 2024, did not inform the Council of the conviction and when asked why he had failed to do so, could not offer an explanation as to why. The applicant stated that he had informed his employer.
16. The applicant confirmed that in March 2024 he received confirmation from the DVLA that his licence had been revoked. It was at this point that he informed the Licensing Department.
17. It was confirmed by the Licensing Officer during Committee that a DVLA licence is not usually revoked instantly upon receipt of the penalty points, there was an administrative period. The applicant agreed and stated he did not have his licence revoked by the DVLA on the day of conviction.
18. The Licensing Officer further explained that the Policy requirement of informing the Council within 48 hours still stood, even for applicant's who had not yet had a determination as to whether they would be granted a licence.
19. The Licensing Officer stated that the applicant's first application in 2023 would have been in the process of completion when the applicant received a conviction.
20. At Committee, the applicant advised that he enjoyed driving and was a hardworking individual. He took responsibility for not informing the Licensing Department sooner and stated this was entirely his fault.
21. When questioned if he knew he would have his DVLA licence revoked as a result of the conviction, the applicant stated he was aware.
22. The Committee considered that it was unacceptable that the applicant failed to notify Licensing Officers for 4 months, that he had been convicted of an offence. The Committee considered that the applicant would not have obtained his first licence had he been honest with the Licensing Department. The Committee further believed that he benefitted from not informing them of the conviction as it enabled him to drive a taxi for three months.
23. Whilst the Committee considered the circumstances leading to the conviction, they were presented with no evidence to support the applicant's version of events. The Committee could not go behind a conviction and determined that this was a major traffic offence and decided refuse to grant the licence in accordance with the Policy.
24. The Committee considered there were no good or exceptional reasons to depart from it. The Committee, for the reasons given above, could not be satisfied the applicant was a fit

and proper person or safe and suitable to be licenced as a Private Hire Vehicle driver in Middlesbrough.

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 was Teesside Justice Centre, Teesside Magistrates Court, Victoria Square, Middlesbrough, TS1 2AS.
26. 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.