

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on 29 April 2026.

PRESENT: Councillors: Lewis (Chair), Hill (Vice Chair), Cooke, Ewan, Grainge, Jones, Kabuye, McTigue, Nugent, J Platt and A Romaine.

OFFICERS: V Alexander, J Bilton, C Cunningham, J Dixon and T Hodgkinson.

An APOLOGY FOR ABSENCE was submitted on behalf of Councillor Gavigan.

WELCOME AND FIRE EVACUATION PROCEDURE

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

** DECLARATIONS OF MEMBERS' INTERESTS

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

MINUTES - LICENSING COMMITTEE – 16 MARCH 2026

The minutes of the Licensing Committee held on 16 March 2026 were submitted and approved as a correct record.

LICENSING UPDATES

The Licensing Manager advised Members that since the previous Committee meeting, under Delegated Powers, Officers had revoked four Private Hire Vehicle driver licences, with immediate effect, as follows:-

1. 24 March 2026 - As a result of information received from Cleveland Police that the driver had been arrested in relation to the offences of rape and stalking.
2. 2 April 2026 - As a result of information from Cleveland Police that, following a crash, the driver had failed a breathalyser test.
3. 2 April 2026 - As a result of information received from Newcastle City Council that the driver, who was also licensed with them, had had his licence revoked due to inappropriate sexual comments made to several female passengers.
4. 15 April 2026 – As a result of information received from Cleveland Police that the driver had been arrested following the discovery of Class A drugs and money in his vehicle.

NOTED

ANY OTHER URGENT ITEMS WHICH, IN THE OPINION OF THE CHAIR, CAN BE CONSIDERED

There were no other urgent items.

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.

**REVIEW – COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE
- REF: 07/26**

The Corporate Director of Regeneration and Housing submitted an exempt report in connection with the review of Combined Hackney Carriage and Private Hire Vehicle Driver Licence, Ref: 07/26, 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, 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, highlighting that the matter had been due to be considered by the Licensing Committee on 13 April 2026, however, the driver notified Officers he would not be able to attend due to a pre-arranged family holiday and requested that the matter be deferred to the next scheduled meeting.

Archived records showed that the driver was first licensed with Middlesbrough Council in August 1993. His licence was granted following consideration of the convictions at 1) to 3) in the report by the Licensing Committee.

On 6 August 2021, the driver appeared before Members for consideration of a further application due to the convictions at 1) to 3). On that occasion, the Committee refused to grant the application but advised he may wish to reapply in April 2022 when Members may consider a fresh application.

The driver again appeared before the Committee on 10 February 2003 with a new application. Having considered the convictions at 1) to 4), the Committee granted the licence.

The driver appeared before the Committee for review of his licence on 24 August 2004 when Members considered the convictions listed at 1) to 6) in the report. On that occasion the Committee allowed the driver to retain his licence on condition that he completed the Driver Improvement Scheme.

The driver now appeared before Committee for review of his Combined Hackney Carriage and Private Hire Vehicle driver licence as a result of the convictions detailed at 1) to 10) in the report. It was highlighted that convictions 1) to 7) were previously taken into account at the time of the driver's last licence renewal.

Members were advised that the driver had notified the Licensing Department, on 17 December 2024, by email, that he had a speeding ticket endorsement for 4 October 2024. The next day, clarification was sought from a Licensing Officer as to whether this was the driver's first endorsement and how many penalty points he had on his DVLA licence.

The driver responded that this was his second endorsement and he had six penalty points on his licence.

On 23 December 2024, a Licensing Officer emailed the driver to advise that due to accruing six penalty points on his DVLA licence he was required to attend a Driver Improvement Scheme within three months of the date of his last endorsement. The driver successfully completed the scheme on 26 February 2025.

On 19 January 2026, during a routine check of the driver's DVLA licence status, it was revealed that he had three motoring convictions recorded against him (listed at 8), 9) and 10) in the report) and nine current penalty points on his licence.

During further checks, Officers noted that in the driver's application to renew his current taxi licence on 19 December 2024, he had failed to declare the conviction at 8), dated 27 August 2024. In addition, it appeared that the driver had failed to notify the Licensing Department of the convictions at 9) and 10) within 48 hours as required by condition of his licence.

The driver was subsequently interviewed by a Licensing Enforcement Officer on 16 February 2026 when he provided explanations regarding the offences and why he had failed to notify the Council within 48 hours.

The report further highlighted that on 9 November 2019, during a taxi enforcement exercise, Licensing Enforcement Officers observed the driver travelling at 40mph in a 30mph zone and also noted that his licence plate was incorrectly displayed in the rear window of his vehicle, rather than externally on the rear of the vehicle.

The driver confirmed the content of the report as being an accurate representation of the facts and was invited to address the Committee. 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.

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: 07/26, be revoked, with immediate effect, 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 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. Under Section 61(2B) of the Act, if it appeared to be in the interests of public safety, the Committee may decide that a revocation or suspension was 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.
4. The review of the licence 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 Combined Private Hire and Hackney Carriage Vehicle driver's licence 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. The reasons for the decision were as follows:-

Reasons

6. The driver had a significant history of driving offences showing a disregard for safety throughout the periods he had held a Combined Private Hire and Hackney Carriage Vehicle driver's licence.
7. Historically, on 20 December 1989, the driver was convicted of failing to provide a specimen and disqualified from driving for one year. On 4 August 1993, the driver applied for, and was granted, a Combined Private Hire and Hackney Carriage Vehicle driver's licence until 19 April 1996 when he was convicted again of drink driving and disqualified for three years.
8. The driver was convicted on 18 June 1997 for wounding and given a community order and convicted on 17 March 2002 for failing to comply with a traffic signal and given 3 penalty points

and fined. The driver applied for and was granted a Combined Private Hire and Hackney Carriage Vehicle driver's licence on 10 February 2003.

9. Following the grant of the second combined licence on 10 February 2003, the driver was convicted of excess speed on 4 June 2003 and on 4 January 2004 and was fined and given three penalty points for each offence. The driver's licence was reviewed, and he was required to complete a Driver Improvement Scheme on 24 August 2004.
10. Following the review, the driver was convicted of excess speed on 30 March 2008, given three penalty points and fined.
11. On 9 November 2019 the driver was witnessed by Licensing Enforcement Officers speeding in his Hackney Carriage vehicle and the licence plate was incorrectly displayed.
12. The driver currently had nine penalty points on his DVLA Licence. The driver had three current convictions for speeding; one on 27 August 2024 and two on 25 May 2025, and for each offence the driver was given three penalty points and fined.
13. The driver attended a Driver Improvement Scheme on 26 February 2025, however, continued to be convicted of two further speeding offences on 25 May 2025.
14. When the driver applied to renew his licence on 19 December 2024 he failed to declare his speeding conviction on 27 August 2024. The driver failed to report his speeding convictions on 25 May 2025 which was a condition and requirement of his licence. The Committee considered that failing to declare and report convictions posed a significant risk to public safety by preventing Licensing Officers from quickly assessing whether the driver was safe. It also must be directly considered whether a driver was trustworthy, and the Committee did not accept the driver's excuse that he did not realise the requirement to report the convictions and had assistance from his daughter when he completed his renewal form.
15. The Policy stated if an applicant (licensee) had between seven and nine live points on their licence for minor traffic offences, they must show a period of three years free from conviction before an application would be considered. It also stated that a licensee who had a significant history of offences, showing a disregard for safety, an application would not normally be considered until a period of at least five years had lapsed since conviction.
16. The Policy confirmed the Council had discretion to revoke a licence if a driver had driven unsafely as a result of minor traffic offences or upheld complaints putting the public at risk and, as unsafe driving was a risk to public safety, a suspension or revocation may take immediate effect.
17. The Committee considered that the Combined Private Hire and Hackney Carriage Vehicle driver's licence should be revoked on the grounds of any other reasonable cause for the reasons given above. The Committee considered there were no good reasons to depart from its Policy. The Committee considered the driver's current speeding convictions, having nine points on his licence; his previous significant history of motoring offences; failure to improve following completion of Driver Improvement Schemes, all of which showed him to be an unsafe driver with a propensity to reoffend. The risk to the public also increased due to the driver's previous failures to report convictions within 48 hours preventing Officers from assessing safety and being in a position to take urgent action. For these reasons the Committee considered it was also in the interests of public safety that the licence be revoked with immediate effect.
18. 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 was the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.
19. If the driver 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 driver which could be in excess of £1,000.

APPLICATION – PRIVATE HIRE VEHICLE DRIVER LICENCE – REF: 08/26

The Corporate Director of Regeneration and Housing submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 08/26, 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 appeared before Members due to the conviction detailed at 1) in the submitted report. It was highlighted that the applicant had failed to declare the conviction in his application and that the information was discovered following a check on the status of his DVLA driving licence.

The applicant was interviewed by a Licensing Enforcement Officer on 12 February 2026 when he provided an explanation in relation to the conviction and confirmed that there were no outstanding matters of which the Council was unaware.

The applicant stated that he had been driving in the UK for 20 years without any accidents, incidents or convictions other than the one listed at 1). The applicant's explanation in relation to the offence was detailed in the report.

The applicant confirmed 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 and responded to questions from Members and the Council's Legal Representative.

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

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

ORDERED that the application for a Private Hire Vehicle Driver Licence, Ref No: 08/26 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. On 2 October 2024 the applicant was fined and given six penalty points for using a mobile phone whilst driving.

6. The applicant failed to declare the motoring offence on his application form. The form was clear; it required an applicant to declare all convictions including motoring offences and the applicant, by submitting the application, was making a declaration as to the truth of the content of the application.
7. The Policy stated a serious view would be taken regarding convictions for driving whilst using a mobile phone or hand-held device. There was evidence to show that drivers who used a mobile phone or hand-held device had slower reaction times than those who had consumed up to the legal alcohol limit. In light of this, an equally serious view would be taken of a conviction for driving whilst using a mobile phone or hand-held device and a driver's licence would not be granted until at least five years have elapsed since the conviction.
8. The Department of Transport Statutory Standards for taxi and private hire vehicles, to which the Committee must have regard, stated: Where an applicant had a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence would not be granted until at least five years had elapsed since the conviction or completion of any sentence or driving ban imposed, whichever was the later.
9. The applicant submitted in his response during interview that the phone fell out of its cradle whilst he was on a call using a hands-free device and picked it up whilst driving, concerned it could go under the pedals. In Committee, the applicant said the cradle was loose. If that was the case, the Committee considered whether a responsible driver would use the cradle and make a call in the first instance. It considered his explanations as to how he was holding the phone to be inconsistent and unclear and did not find the applicant credible. The Committee put weight on the fact that the Police issued the fine and penalty points after witnessing the applicant using his phone whilst driving.
10. In any event, the Committee was not permitted in law to go behind the conviction. The fixed penalty notice had clear directions how to appeal if the applicant considered he was not guilty of the offence, however, he did not do so, therefore, the conviction stood. The applicant stated he was stressed and then out of the country and disagreed with the conviction but this did not circumvent the fact of the conviction for driving whilst using a mobile phone or the appeal process.
11. The Committee noted the applicant said he had been driving for 20 years without incident but considered this did not detract from the seriousness of using a mobile phone whilst driving which was supported by the Policy, Statutory Standards and that the Government increased the penalty because of the data showing the seriousness and risks of using a mobile phone whilst driving.
12. Failure to declare motoring convictions was considered by the Committee to be a serious matter. Knowingly or recklessly making a false statement, or to omit information, may be an offence under the Act. It goes directly to the fitness and trustworthiness of the applicant.
13. The Committee put no weight on the applicant's explanation that someone from his employer must have clicked "no" in answer to the question on the applicant's application form after he said he told them about his conviction. The Committee considered this was either untrue as applicants had their own personal ID and password to complete their application form, otherwise wholly reckless and irresponsible for an applicant to allow another to make false statements on the applicant's behalf which he was declaring to be true.
14. The Committee, therefore, did not consider the applicant to be fit and proper to be trusted with a Private Hire Vehicle driver's licence and there were no good reasons to depart from the Policy or the Statutory Standards.
15. 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 the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.

16. 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.

APPLICATION – PRIVATE HIRE VEHICLE DRIVER LICENCE – REF NO: 12/26

The Corporate Director of Regeneration and Housing submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 12/26, 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 partner, 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 appeared before Members due to the Police Caution detailed at 1) in the submitted report. It was highlighted that the applicant had failed to declare the caution in his application and that the information was revealed in his DBS disclosure.

The applicant was interviewed by a Licensing Enforcement Officer on 13 March 2026 when he provided an explanation in relation to the caution and confirmed that there were no outstanding matters of which the Council was unaware.

The applicant stated that he had been driving in the UK for 20 years without any accidents, incidents or convictions other than the one listed at 1). The applicant's explanation in relation to the offence was detailed in the report.

During interview, the applicant stated he was unaware that he had received a caution and believed nothing had been formally recorded and that he had not declared the caution on his application form as he was unaware that he had been issued with one.

In relation to the circumstances of the incident leading to the caution, the applicant had stated that he and his partner had been drinking at home when they had begun to argue. The argument had escalated causing the applicant's partner to call the Police. It was highlighted to the applicant that a caution for battery required actual unlawful physical contact, however, the applicant maintained that there was no physical involved and that he did not use, or condone, physical violence.

The applicant confirmed 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 and responded to questions from Members and the Council's Legal Representative. The applicant's partner also spoke in support of the applicant and responded to questions.

It was confirmed that there were no further questions and the applicant, his partner, 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: 12/26 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 and his representative.
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. On 28 April 2020 the applicant received a Police caution for battery.
6. The Policy stated: a licence would 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 has elapsed since the completion of any sentence imposed.
7. The Department of Transport Statutory Standards for taxi and private hire vehicles, to which the Committee must have regard, confirmed "Where an applicant had a conviction for an offence of violence against the person, or connected with any offence of violence, a licence would not be granted until at least 10 years had elapsed since the completion of any sentence imposed."
8. The Policy confirmed that a caution should be treated, for the purposes of the guidelines, as a conviction.
9. The Policy stated: the Council deemed incidents of domestic violence to be extremely serious because if an individual was prepared to assault an individual in a domestic or home environment, then they would have concerns over the person's ability to maintain their temper when working in an environment dealing with members of the public.
10. The applicant stated he was unaware he had a caution. He explained in summary that he and his partner had been drinking during lockdown and began arguing and shouting. The applicant's partner rang the Police. When the Police arrived, the applicant was arrested and taken to the Police station. The applicant was at the Police station for a number of hours and interviewed, he denied a physical altercation. The applicant said he and his then partner were married in 2021 and were in a stable relationship.
11. The Committee confirmed that the offence of battery was committed by the intentional or reckless application of unlawful force to another person. Before a Police caution could be given, the Police must have sufficient evidence for a conviction for the offence of battery. Before a caution could be given the applicant must have understood the offence and the implications of the caution. The applicant must have consented to the caution and admitted his guilt to the offence of battery for a caution to be given, a simple caution form would have been signed by the applicant, and he would have been given a copy by the Police. The Committee could not go behind the caution. The Committee, therefore, considered the applicant had applied unlawful force to his partner and could not accept the applicant's denial. The Committee considered that the applicant did not therefore accept responsibility or take accountability of his actions of violence. The Committee considered licensed drivers to be in the utmost position of trust and it must protect the public from drivers who had used violence, exacerbated by being in a domestic setting, and therefore did not consider it should depart from the Policy requiring 10 years free of incident to ensure the public were safe.
12. The applicant failed to declare the caution on his application form. In view that a caution cannot be issued unless the applicant fully understood the caution, the implications, admitted the offence, consented to the caution, would have signed a document setting out the caution, and in view that the applicant had said this was the only incident he had been involved in with the Police; the

Committee did not accept the applicant's claims that he did not know he was cautioned. The Committee considered that knowingly or recklessly making a false statement or to omit information may be an offence under the Act and it goes directly to the fitness and trustworthiness of the applicant.

13. The Committee, for the above reasons, therefore, did not consider the applicant to be safe and suitable or fit and proper to be licensed as a Private Hire Vehicle driver and found no good reasons to depart from its Policy or the Government's Statutory Standards.
14. 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 the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.
15. 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 excess of £1,000.

APPLICATION - PRIVATE HIRE VEHICLE DRIVER LICENCE – REF NO: 13/26

The Corporate Director of Regeneration and Housing submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 13/26, 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 Licensing Manager presented a summary of the report outlining that the applicant appeared before Members as a result of the offences detailed at 1) to 5) in the submitted report.

The applicant had previously appeared before Members on 9 October 2018 with an application for a Private Hire Vehicle driver licence. On that occasion, the Committee refused to grant the application after considering the convictions listed at 1) to 3) in the report. A copy of the October 2018 decision letter was attached at Appendix 1.

The applicant was interviewed by a Licensing Enforcement Officer on 23 February 2026 when he provided explanations in relation to the offences listed at 1) to 5) and confirmed that there were no outstanding matters of which the Council was unaware.

During interview, the applicant reflected on his previous application which was refused in 2018 and stated that he was now a very different person and had fallen in with the wrong crowd, who he no longer associated with. He stated that he was a family man and currently balanced running his own takeaway business with taking his children to school, supporting his wife's business and helping to look after his parents. He stated that the flexibility of being a taxi driver would suit his busy lifestyle.

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

The applicant's legal representative presented the case in support of the applicant, emphasising that the first three convictions had occurred more than 16 years ago and that he was now more mature with his own family and responsibilities. The two most recent speeding offences had occurred when he was carrying out food deliveries for his own business and he had no passengers on board. The legal representative added that the applicant would be willing to complete a Driver Improvement Scheme if the Committee considered it appropriate. The applicant's legal representative advised that the applicant had brought along some character references in his support.

The Chair agreed that the references could be submitted and announced a short adjournment to allow the Committee time to read them. At this point in the meeting, the applicant, his legal representative and officers of the Council other than those from Legal and Democratic Services, withdrew from the meeting whilst the Committee considered the references.

Subsequently all parties returned and Members were afforded the opportunity to ask questions of the applicant. Accordingly, the applicant responded to questions from Members of the Committee.

It was confirmed that there were no further questions and the applicant, his legal 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 for a Private Hire Vehicle Driver Licence, Ref No: 13/26 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 and his legal representative.
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 had been convicted of the following offences:
 - 4 April 2007 - Driving a motor vehicle with excess alcohol, 4 March 2007, fined £200, costs £54; sentence - Disqualified from driving for 18 months, reduced by 4.5 months.
 - 6 March 2009 - Possessing a Controlled Drug, Class A Cocaine on the 28 February 2009 S5(2) Misuse of Drugs Act 1971; sentence – fined £65, costs £30, Forfeiture and Destruction of Cocaine.
 - 18 December 2009 - Possessing a Controlled Drug, Class A Cocaine on the 27 October 2008 S5(2) Misuse of Drugs Act 1971; sentence – no separate penalty.
 - 18 December 2009 - Possessing a Controlled Drug with Intent to Supply Class C on the 27 October 2008 S5(3) Misuse of Drugs Act 1971; sentence – Imprisonment 9 months suspended for 24 months, Curfew Requirement 3 months electronic tagging; Forfeiture and Destruction, Confiscation £273, Proceeds of Crime Act 2002.
 - 11 June 2022 - Exceeding Statutory Speed Limit on a public road SP30; sentence – fixed penalty fine, 3 points endorsed on driving licence.
 - 20 November 2023 - Exceeding Statutory Speed Limited on a public road (SP30); sentence – fixed penalty fine, 3 points endorsed on driving licence.
6. After checking the records, although the applicant declared his previous drink-driving and drug offences, he did not declare his motoring offences on his application form.
7. The Policy stated in relation to a drink-driving offence, an applicant must show at least seven years free from conviction since the completion of any sentence/ban imposed. If there was more than one conviction of driving whilst under the influence a licence would normally be refused.

8. The Policy stated a licence would normally be refused if an applicant had more than one conviction for drugs related offences.
9. The Policy stated applicants with six points may be required to complete a Driver Improvement Scheme. However, it stated the Council took a serious view if a driver committed a motoring offence as driving would be his profession and he would be responsible for ensuring he drove his passengers safely and was not a risk to road users.
10. The Policy confirmed the Committee must assess the offending on the whole rather than separately in order to assess the suitability of an applicant.
11. The Committee noted the applicant's previous interview, the interview for the current application and the representations at Committee. It noted, in summary: the applicant explained the drugs offences occurred over a period when he was young, and doing wrong things with the wrong crowd, over a relatively short period of time during 2008/2009. The applicant stated, for the first offence he picked up a packet of white powder from the floor outside a nightclub and forgot about it when Police raided the club. For the convictions of possession of cocaine and possession with intent to supply Class C drugs in December 2009, the applicant said he was with his friends smoking cannabis in a car, the Police came to the scene and arrested them. He admitted to possessing cannabis but said he was unaware of the cocaine, the other passengers had blamed him for bringing cocaine, but he pleaded guilty at court to the offences. The applicant stated he was living a changed life with a family and had his own business, supported his wife and children, that he no longer associated with any of his old friends and had not stayed in contact with them, that this showed there was no pattern of behaviour and he had been conviction-free for 14 and a half years since the expiration of his suspended sentence.
12. The Committee considered that Middlesbrough was ranked the second most deprived local authority area in the country including crime. The Committee was aware Middlesbrough severely suffered from drug abuse and drug harms and was ranked one of the highest in the country for drug related crimes. This information supported a firm line in the Policy that applicants with more than one isolated drug offence should never be licensed, regardless of a conviction-free period, in all but truly exceptional circumstances.
13. The Committee noted the applicant has his own food takeaway business but had applied to be a taxi driver as he was under a lot of financial difficulty and wanted the flexibility of taxi work to suit his busy lifestyle. However, it was not the role of the Committee to provide employment or risk giving the benefit of the doubt or give a "chance" to the applicant to the detriment and risk of the public particularly considering the issues Middlesbrough faced with drug harms and drug crimes. Public protection was the paramount role of the Committee.
14. The Committee considered the explanations given by the applicant failed to show he took full accountability and responsibility for his actions. The Committee cannot in law go behind the convictions. The applicant was in possession of cocaine in February 2009 and October 2008, in October 2008 he was in possession of a class C drug with intent to supply. The Committee considered the applicant pleaded guilty in a criminal court to his offences, later denying intention to supply to the Committee and saying he was not in possession of cocaine in October 2008 was disingenuous and was either misleading the court or the committee and not taking responsibility for his crimes.
15. A licensed driver was in an utmost position of trust who operated in a high-risk environment which was highly likely to involve exposure to drugs and associated criminal behaviour. A private hire vehicle was a perfect guise to transport, supply or distribute drugs under the legitimacy of a licence. The Committee could not be satisfied that the applicant who, in his past, was involved in taking drugs, possessing drugs, possessing drugs with intent to supply and associated with others involved in drugs, was suitable to be licensed and potentially exposed to that unlawful activity particularly in the nighttime economy and in an area prevalent with drugs misuse, harms, crimes and exploitation.
16. The Committee also took into consideration the applicant's offending on the whole. In addition to the drugs offences the applicant was convicted of an offence involving alcohol, drink-driving in

2007. The applicant had two speeding convictions in 2022 and 2023. Both speeding offences occurred whilst he was delivering food as part of his business which indicated the applicant may not have learnt from the previous speeding offence or the seriousness of speeding whilst driving in his employment. Driving likewise was the profession of a licensee who must always drive safely within the speed limit.

17. The Committee was also concerned that the applicant failed to declare the speeding offences on his application form. The form was clear; it required an applicant to declare all convictions including motoring offences and the applicant was making a declaration as to the truth of the content of the application. Failure to declare motoring convictions was considered by the Committee to be a serious matter. It goes directly to the trustworthiness of the applicant.
18. The Committee, for the above reasons, did not consider the applicant to be suitable or fit and proper to be licensed to drive Private Hire Vehicles and considered there were no good reasons to depart from its Policy in relation to the drug offences.
19. 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 the Teesside Justice Centre, Teesside Magistrates, Victoria Square, Middlesbrough.
20. 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 excess of £1,000.