

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on 20 July 2026.

PRESENT: Councillors: Lewis (Chair), Cooper, Cooke, Gavigan, Jones, Nugent and Romaine.

OFFICERS: C Cunningham, J Dixon and T Hodgkinson.

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Hill, J Platt and Saunders.

WELCOME AND FIRE EVACUATION PROCEDURE AND RECORDING OF MEETINGS

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 – 22 JUNE 2026

The Chair referred to the minutes of the previous meeting, marked 'To Follow' on the agenda, and sought agreement for the item to be deferred to the next meeting of the Licensing Committee for consideration.

ORDERED that consideration of the minutes of the previous meeting be deferred to the next meeting of the Licensing Committee.

LICENSING UPDATES

There were no licensing updates in relation to appeals or revocations since the previous meeting of the Committee.

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 DRIVER LICENCE – REF: 18/26

The Corporate Director of Regeneration and Housing submitted an exempt report in connection with the review of a Combined Hackney Carriage and Private Hire Vehicle driver licence, Ref: 18/26, 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 accompanied by a friend, 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 driver was first issued with a licence by Middlesbrough Council in August 2023 up to 31 July 2024 following his application for a one-year period. At that time, the driver's application showed six penalty points endorsed on his DVLA licence for two speeding offences, listed at 1) and 2) in the report. Therefore, in accordance

with Council Policy, the licence was granted subject to the driver successfully completing a Driver Improvement Scheme, at his own expense, within three months of the date the licence was issued. A copy of the letter advising the driver of this, together with relevant contact details in relation to the Driver Improvement Scheme, was attached at Appendix 1.

From records held by the Licensing Department, it would appear that no checks were undertaken to ascertain whether the driver had completed the Driver Improvement Scheme within the three months specified.

Following the driver's renewal application in July 2024, a further licence was issued for a one-year period up until 31 July 2025.

The driver made a further renewal application in July 2025, which was subsequently granted and due to expire on 31 July 2028.

The driver now appeared before Members for review of his licence as a result of the conviction detailed at 3) in the report. Officers became aware of the conviction following a routine DVLA check in June 2026. It was highlighted that there was no record of the driver having notified the Licensing Department of his latest conviction.

In addition, following further enquiries by Officers, it transpired that the driver had not completed the Driver Improvement Scheme as required on condition of the grant of his initial licence in 2023.

The driver was interviewed by a Licensing Enforcement Officer on 12 June 2026 when he provided explanations in relation to the offences listed at 1) to 3) in the report, and confirmed that there were no outstanding matters of which the Council was unaware.

When asked why he had failed to notify the Council of his most recent offence within the required 48-hour period, the driver stated he had forgotten and that, as he was driving his own private vehicle at the time, he mistakenly believed he was not required to do so. The driver further stated that he had never received the letter advising him of the requirement to complete the Driver Improvement Scheme when his initial licence was granted and that this was the reason for not completing the scheme.

On 1 July 2026, the Licensing Enforcement Officer made further enquiries with the driver as to the reason why his DVLA licence was valid from 13 March 2026, to which he responded that it had been due to expire. The driver was also asked further questions regarding his medical status as he had mentioned, during interview, issues with back pain. The driver confirmed that he had undergone surgery on his back in 2007 and that recent visits to his GP had not revealed any specific issues. He also confirmed that he had never been told to stop driving or had restrictions placed on his DVLA licence. The Officer provided advice around notifying the Licensing Department immediately should he ever be told to stop driving or have restrictions placed on his licence.

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 addressed the Committee and responded to questions from Members of the Committee, the Council's Legal Representative and the Licensing Manager. The driver's friend also spoke in support of the driver.

It was confirmed that there were no further questions and the driver, his friend, 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: 18/26, 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 had been convicted of an offence involving dishonesty, indecency or violence;
 - Since the grant of the licence the driver had committed an offence or breached the Act or the Town Police Clauses Act 1847;
 - For any other reasonable cause.
2. The Committee considered Section 61 of the Act, Middlesbrough Council's Private Hire and Hackney Carriage Policy 2022 ("the Policy"), the report and the representations made by the driver and his friend.

Decision

3. After carefully considering all of the information the Licensing Committee decided to revoke the driver's Combined Hackney Carriage and Private Hire Vehicle Driver Licence on the grounds of any other reasonable cause.

Reasons

4. 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.
5. The Policy on Convictions were set out at Appendix G, Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character.
6. It was clearly written in the Policy that 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.
7. The Policy confirmed 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. This also applied to drivers with a licence.
8. The driver first applied for a licence in July 2023, where it was revealed that he had the following two convictions and sentence:
 - a. 2 November 2020 - Exceeding Statutory speed limit on a public road – Fined £100 and three penalty points endorsed on licence.
 - b. 3 November 2020 - Exceeding Statutory speed limit on a public road – Fined £100 and three penalty points endorsed on licence.
9. In line with the Policy Guidance, the driver's licence was granted subject to the requirement that he attend a Driver Improvement Scheme within three months of the date of issue of the licence. The driver was advised to contact Stockton Council who were responsible for administering the scheme. It appears from Council records that no checks were made to ascertain whether the driver attended the scheme.
10. The driver made a renewal application in July 2024, for a further year, which was granted. In July 2025, the driver made an application to upgrade his licence to a Combined Hackney Carriage and Private Hire Driver Licence for a three-year period, which was also granted.

11. Following a routine DVLA driver licence check, carried out on 8 June 2026, Officers were made aware that the driver had been convicted and sentenced for the following offence:
 - a. 22 March 2026 – Breach of requirements as to control of the vehicle (includes mobile phone offences that carry a mandatory 6 penalty points) (CU80) – Fined £200 and six penalty points on licence.
12. There was no record of the driver having notified Licensing Officers of the conviction, as required by condition of his licence and the Policy. Officers also concluded, after enquiries with Stockton Council, that the driver had not completed the Driver Improvement Scheme, in 2023, as required.
13. The driver was interviewed on 12 June 2026, and a full summary of the interview was contained within the report.
14. The driver recounted the circumstances leading to the conviction and stated that on 22 March 2026, he was driving his personal vehicle when he was stopped by Police. The driver stated that the Police Officer had stopped him on suspicion of using a mobile phone whilst driving. The driver stated he was plugging the device in as the battery was running low, and not speaking on the phone at the time.
15. The driver was also questioned whether he recalled receiving the letter from October 2023, Appendix 1, to which he stated he did. He recalled the two speeding offences and stated that he was caught passing through the same 'unseen speed trap' both on his outbound and inbound journey, near Doncaster, when travelling to and from Birmingham.
16. The driver was asked if he had complied with the requirement to complete the Driver Improvement Scheme, however, contrary to what he had previously stated, he then argued that he had not received the aforementioned letter, so had not completed the scheme as he was unaware of the need to do so. The driver telephoned his partner to check, however, his partner was unable to confirm. The driver subsequently reiterated he had not received it.
17. When asked why he had not reported the latest conviction from March 2026, he stated that he had forgotten to inform the Council, as he had not been driving his taxi at the time and had mistakenly believed that he was not required to do so.
18. At the Committee hearing, the driver first made representations on his failure to complete the Driver Improvement Scheme. He admitted that he had not completed the scheme but stated that when he first applied for his licence, his employer, made the application on his behalf. He stated they did not notify him of the need to complete the course, and he stressed he did not receive the letter.
19. The driver stated that he moved house in October 2023 but then moved back to his former address around six months later.
20. The driver also repeatedly stated that he was unaware how the Council had discovered his latest offence. This was clarified in the report, where it detailed that Officers discovered the offence during a routine DVLA check. He informed the Committee that he did not think he needed to inform the Council as he was driving his personal vehicle at the time and not his taxi. When questioned whether his logic would have been the same should he have been banned from driving, the driver stated that he would have informed the Council if he had lost his licence.
21. The Committee found the driver to be unreliable with his account as well as dishonest. The Committee believed that the driver had continually made excuses for his failures.
22. The Committee took the view that the driver had not complied with the licence conditions when he had failed to notify the Council of the offences within 48 hours. The Committee felt strongly that the Policy was clear on the necessity to report any motoring or criminal convictions to the Council. The Committee did not accept the driver's representation that he did not know he needed to report his March 2026 conviction due to the offence happening in his personal vehicle. The Committee was extremely confused that the driver thought he did not need to inform the Council of points on his licence, but stated he would have informed them if he had been banned from driving.

23. The Committee also found that the driver's responses were confused and contradictory. The Committee did not consider the answers around whether the driver had received the letter (Appendix 1), to be truthful. The driver had failed to mention a change of address to the Council, nor had he informed the Licensing Officer during interview. The first time the driver had raised changes to his address was during the Committee hearing, therefore, the Committee believed the driver had received the letter and simply failed to comply with the requirement to complete the Driver Improvement Scheme.
24. The Committee felt that the inconsistencies in the driver's accounts leading up to the mobile phone offence, made it difficult to accept his explanation of the offence. In any event, the Committee determined that it could not go behind the conviction nor were there any mitigating circumstances. The Committee took the view that if the driver was truthful in his account and was aware his phone charge was running out, he should have safely pulled over to plug it in.
25. Further, the Committee believed that the driver's standards fell far below what was expected of a licensed taxi driver. The Committee considered that the previous convictions for speeding, as well as the latest conviction for using a mobile phone whilst driving, showed that he was not a fit and proper person to hold a licence.
26. It was, therefore, considered that the driver was not a fit and proper person or safe and suitable to be licensed as a hackney carriage and private hire driver in Middlesbrough.
27. The Committee, based on the evidence it was presented with, determined there were no compelling, clear, good or exceptional reasons to depart from the Policy, and decided to revoke the licence for the reasons set out above.
28. 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.

APPLICATION – PRIVATE HIRE VEHICLE DRIVER LICENCE – REF: 14/26

The Corporate Director of Regeneration and Housing submitted an exempt report in connection with an application for a Private Hire Vehicle Driver Licence, Ref: 14/26, 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 had declared his conviction, detailed at 1) in the report, and that a subsequent check on the status of his DVLA licence confirmed the conviction together with six penalty points endorsed on his licence.

The applicant was interviewed by a Licensing Enforcement Officer on 1 April 2026 when he provided an explanation in relation to the conviction at 1) and confirmed that there were no other outstanding matters of which the Council was unaware.

Details of the applicant's explanation for the conviction of no insurance were provided in the report. During the interview, the applicant was advised of the Council's taxi licensing policy and the guidance on convictions, however, he confirmed that he still wished to proceed with his application and on 23 April 2026 provided an email detailing that he had not intentionally driven without insurance but that it had been a mistake when borrowing his brother's car and that he believed he was insured to drive it.

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

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

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: 14/26 be granted, with a warning, 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 grant the application for a Private Hire Vehicle Driver Licence on the grounds that it was satisfied the applicant was a fit and proper person to be granted such a licence. The Licensing Committee decided to grant the licence with a warning.

Reasons

5. On 3 July 2024, the applicant was convicted of the offence of using a vehicle uninsured against third party risks (IN10 Offence). The applicant was fined £120, and six penalty points were endorsed on his licence.
6. The Policy on Convictions are 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 Council would generally follow the Policy but may depart from it if there were good reasons to do so.
9. It further stated that it may be appropriate to depart from the general Policy in some cases, for example, situations where the offence was isolated and there were mitigating circumstances.
10. Whilst the offence for which the applicant was convicted was categorised in the Policy as a major offence, the Committee decided to depart from its Policy on this particular occasion as it considered there were good reasons to do so, as set out below.
11. The applicant declared his conviction when submitting his application on 16 March 2026 and was subsequently interviewed by Licensing Officers to ascertain the circumstances of the offence.

12. A full summary of the interview was contained within the report, however, in brief the applicant stated that the offence had occurred on 10 November 2023 when he had taken his brother's car for a short test drive as he intended to sell it on his brothers' behalf. The applicant stated he was stopped by Police and despite thinking the vehicle was insured, he was wrong and subsequently convicted of the aforementioned offence.
13. The Committee, at the hearing, found the applicant to be very honest. The applicant took full responsibility for the offence and stated he had simply made a mistake when not checking whether the vehicle, or he, had the correct insurance. The applicant again stated he was test driving his brother's car as a friend was interested in purchasing it and wanted the applicant's opinion on whether it was value for money and roadworthy.
14. The applicant stated that he understood that it was his responsibility to check the details of the insurance and has learned from his error. He clarified that at the time of the offence, he had his own car and insurance as he used it for his work. He stated neither him nor his brother were aware there was no insurance on the vehicle. Upon learning of the Police stopping him, his brother put the correct insurance in place, and the car was re-covered.
15. The applicant stated that this was a completely isolated offence that had happened in November 2023 and that he had not been subject to any Police caution or charge or had any issues since.
16. The Committee determined that this was serious and that there was an expectation of individuals to be responsible and check insurance details. However, the Committee also had a great appreciation for the applicant's honesty and had taken into account that this was an isolated one-off incident and the applicant had no further motor cautions or convictions since. The Committee further considered the age and naivety of the applicant at the time of the offence and considered that his representations at the Committee hearing had shown that he had matured and learned from the error.
17. The Committee further considered his honesty when declaring the offence on his application form and noted that the endorsement would no longer show on the applicant's DVLA licence in July 2027.
18. After considering the report and representations, the Committee deemed that the applicant was a fit and proper person to hold a licence, however, wanted to emphasise the seriousness of the conviction.
19. Therefore, the Committee decided to grant the licence with a warning. The warning, which will be held on the Council's records, aimed to improve the applicant's driving standards and reiterate that any further driving incident may result in his licence being revoked.
20. This decision was final and there was no internal or statutory route of appeal, however, the Licensee had the option of judicially reviewing the lawfulness of the decision to the high court if grounds had been made out. If the Licensee decided to challenge the decision by way of judicial review he may wish to seek independent legal advice as to the grounds and time limits that may apply.