

## **General Licensing Committee**

A meeting of General Licensing Committee was held on Tuesday 29th July 2025.

**Present:** Cllr Eileen Johnson (Chair), Cllr Mick Moore (Vice-Chair), Cllr Jim Beall, Cllr Diane Clarke OBE, Cllr Robert Cook, Cllr John Coulson, Cllr Jason French, Cllr Elsi Hampton, Cllr Mrs Ann McCoy, Cllr Andrew Sherris, Cllr Marilyn Surtees and Cllr Hilary Vickers

**Officers:** Michael Henderson, Natalie Hodgson, Elliott Beevers and Leanne Maloney-Kelly

**Also in attendance:** Applicant 159343 and Legal representative

**Apologies:** Cllr Marc Besford and Cllr Hugo Stratton

### **GLC/11/25 Evacuation Procedure**

The evacuation procedure was noted.

### **GLC/12/25 Declarations of Interest**

There were no declarations of interest.

### **GLC/13/25 Minutes**

The minutes of the meetings held on 28 January 2025, 20 February 2025 and 25 March 2025 were confirmed as correct records.

### **GLC/14/25 Exclusion of the Public**

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

### **GLC/15/25 Private Hire Driver Application – 073050**

RESOLVED that the item be deferred.

### **GLC/16/25 Private Hire Driver Application – 159343**

Members were asked to consider and determine an application for a new private hire driver licence from Applicant- 159343 who had live DVLA points for major traffic offences, had a relevant conviction and had received a relevant complaint with another local authority.

The applicant and his representative attended the meeting and were given the opportunity to make representation.

Committee papers and reports had been provided to all relevant parties prior to the meeting.

The report provided several documents, including:

- A copy of the application including
- Details of the applicants DVLA check code and DBS certificate
- A copy of a report from Middlesbrough Borough Council's Licensing Committee associated with the applicant driving without due care and attention and a complaint from members of the public regarding the applicants driving standard.
- A transcript of an interview with Licensing Officers and Applicant – 159343

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

The Licensing Officer presented the report, drawing attention to an administrative error in the date of conviction and confirming that a previous written warning had been issued by an officer rather than Middlesbrough Borough Council Licensing Committee. The Committee was informed that Applicant 159343 had three matters of relevance on record:

- A written warning (January 2019) following a complaint about driving standards;
- A conviction for driving without due care and attention (August 2019); and
- A fixed-penalty notice (June 2024) for using a mobile phone while driving.

The Applicant's representative submitted that the fixed-penalty notice did not amount to a conviction and had been wrongly issued because the phone was secured in a cradle rather than being hand-held. He argued that Cleveland Police had misapplied the amended legislation and that, had correct advice been given, the Applicant would not have accepted the penalty. He further stated that other police forces in the region were not issuing penalties in similar circumstances.

Members questioned the Applicant and his representative regarding the incidents listed. Legal advice was provided confirming that a fixed-penalty notice was not a conviction but remained a matter the Committee may consider when assessing whether an applicant was a fit and proper person. It was noted that there was no supporting evidence to substantiate the claim that the fixed penalty had been incorrectly issued, and that avenues of appeal or complaint had not been pursued by the Applicant.

During deliberation, Members expressed concern about the pattern of driving-related incidents within a relatively short period. While acknowledging the ambiguity surrounding the most recent offence, Members agreed that, taken together, the history indicated behaviour falling below the standard expected of a licensed driver. Reference was also made to the Council's policy that normally required a minimum of five years to have elapsed since a driving-without-due-care-and-attention offence before a licence may be granted.

Following discussion, the Committee agreed that Applicant 159343 was not a fit and proper person to hold a private hire driver's licence.

RESOLVED – That the application for a private hire driver's licence submitted by Applicant 159343 be refused, for the reasons set out above and in accordance with Council policy.

**GLC/17/25 Private Hire Driver Application – 158785**

RESOLVED that the item be deferred.

Chair: .....