

NORTH LINCOLNSHIRE COUNCIL
LICENSING (MISCELLANEOUS) SUB-COMMITTEE

1 December 2022

PRESENT: - Councillors K Vickers (Chairman), P Clark, S Armitage, H Rayner and H Rowson.

The meeting was held in Room G01e/G02e, Church Square House.

1915 **SUBSTITUTIONS** – Councillor H Rowson substituted for Councillor P Vickers.

1916 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** – The following member declared a Personal Interest –

Member
Councillor S Armitage

Nature of Interest
Personal Licence Holder

No lobbying was declared.

1917 **TO TAKE THE MINUTES OF THE MEETING HELD ON 10 NOVEMBER 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 10 November 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1918 **ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES THAT MUST BE SPECIFIED – Resolved** – That the public be excluded from the meeting for consideration of the following items (Minutes 1919, 1920 and 1921 refers) on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

1919 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Economy and Environment submitted a report advising members of a review of a Hackney Carriage and Private Hire Vehicle Drivers Licence to be determined by the sub-committee.

The report contained background information on the process for determining

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
1 December 2022

such requests, the information to be taken into account and the circumstances in which the sub-committee could revoke a licence.

The options available to the sub-committee when considering such information were:

- To take no action.
- To warn the licence holder regarding their future conduct.
- To add additional conditions to the licence. Conditions could be attached to Private Hire Vehicle Drivers Licences only.
- To suspend the licence for a set period of time.
- To revoke the licence.

Should the sub-committee revoke the licence or impose additional terms, conditions or restrictions then the licence holder may appeal to the Magistrates Court within 21 days from the date on which they were notified of the decision.

Should the Magistrates uphold the decision of the council, the licence holder had further recourse to the Crown Court.

The procedure for dealing with such requests at meetings of the sub-committee had previously been circulated to members.

The Licensing Authority presented the reason for the review being considered by the sub-committee.

The licence holder attended the hearing, accompanied by their legal representative, who made submissions and responded to questions.

Resolved – That after considering all the information contained within the agenda bundle, and hearing the submissions made by the Licensing Authority, the licence holder, and their barrister at the hearing on the 1 December 2022, including their responses to questions. The Licensing (Miscellaneous) Sub-Committee informed the licence holder that the safety of the public was their paramount concern when determining any Hackney Carriage or Private Hire review.

The sub-committee reminded the licence holder that the standing of a fit and proper person applied to their conduct at all times. The sub-committee considered the breaches of the licence conditions to be of a very serious nature. The sub-committee expected a standard of behaviour which provided a positive image of the taxi trade in North Lincolnshire and expected all licence holders to adhere to the conditions attached to their licence, the Taxi Licensing Policy and the Byelaws, at all times.

Consequently, the sub-committee agreed to allow the licence holders Hackney Carriage and Private Hire Vehicle Drivers Licence to continue as the sub-committee considered the licence holder to be a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
1 December 2022

Provisions) Act 1976.

- 1920 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES** – The Director: Economy and Environment submitted a report advising members of a review of all Hackney Carriage and Private Hire Vehicle Licences held by the licence holder to be determined by the sub-committee.

The report contained background information on the process for determining such requests, the information to be taken into account and the circumstances in which the sub-committee could revoke a licence.

The options available to the sub-committee when considering such information were:

- To take no action.
- To warn the licence holder regarding their future conduct.
- To add additional conditions to the licences.
- To suspend the licences for a set period of time.
- To revoke the licences.

Should the sub-committee revoke the licences or impose additional terms, conditions or restrictions then the licence holder may appeal to the Magistrates Court within 21 days from the date on which they were notified of the decision.

Should the Magistrates uphold the decision of the council, the licence holder had further recourse to the Crown Court.

The procedure for dealing with such requests at meetings of the sub-committee had previously been circulated to members.

The Licensing Authority presented the reason for the review being considered by the sub-committee.

The licence holder attended the hearing, accompanied by their legal representative, who made submissions and responded to questions.

Resolved – That after considering all the information contained within the agenda bundle, and hearing the submissions made by the Licensing Authority, the licence holder, and their barrister at the hearing on the 1 December 2022, including their responses to questions. The Licensing Authority confirmed in their submission, that the licence holder currently held one Private Hire Vehicle Licence only. The Licensing (Miscellaneous) Sub-Committee informed the licence holder that the safety of the public was their paramount concern when determining any Hackney Carriage or Private Hire review.

The sub-committee were deeply concerned with the accumulation of

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
1 December 2022

breaches to the conditions attached to the licence holders Private Hire Vehicle Licence over a short period of time. The sub-committee were not satisfied that the licence holder fully understood the importance of ensuring all conditions, policy, and byelaws were to be complied with at all times. As a result of the breaches of the Taxi Licensing Policy and conditions attached to the licence, it identified the licence holder had been issued with 31 warning points.

The sub-committee reminded the licence holder that the standing of a fit and proper person applied to their conduct at all times. The sub-committee considered the breaches of the licence conditions to be of a very serious nature. The sub-committee expected a standard of behaviour which provided a positive image of the taxi trade in North Lincolnshire and expected all licence holders to adhere to the conditions attached to their licence, the Taxi Licensing Policy and the Byelaws, at all times.

However, as a result, the sub-committee agreed to allow the licence holders Private Hire Vehicle Licence to continue, as the sub-committee considered the licence holder to be a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

1921 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - REVIEW OF A PRIVATE HIRE OPERATORS LICENCE** – The Director: Economy and Environment submitted a report advising members of a review of a Private Hire Operators Licence to be determined by the sub-committee.

The report contained background information on the process for determining such requests, the information to be taken into account and the circumstances in which the sub-committee could revoke a licence.

The options available to the sub-committee when considering such information were:

- To take no action.
- To warn the licence holder regarding their future conduct.
- To add additional conditions to the licence.
- To suspend the licence for a set period of time.
- To revoke the licence.

Should the sub-committee revoke the licence or impose additional terms, conditions or restrictions then the licence holder may appeal to the Magistrates Court within 21 days from the date on which they were notified of the decision.

Should the Magistrates uphold the decision of the council, the licence holder had further recourse to the Crown Court.

The procedure for dealing with such requests at meetings of the sub-committee had previously been circulated to members.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
1 December 2022

The Licensing Authority presented the reason for the review being considered by the sub-committee.

The licence holder attended the hearing, accompanied by their legal representative, who made submissions and responded to questions.

Resolved - That after considering all the information contained within the agenda bundle, and hearing the submissions made by the Licensing Authority, the licence holder, and their barrister at the hearing on the 1 December 2022, including their responses to questions. The Licensing (Miscellaneous) Sub-Committee informed the licence holder that the safety of the public was their paramount concern when determining any Hackney Carriage or Private Hire review.

The sub-committee gave particular consideration to the accumulation of breaches to the conditions attached to the licence holders Private Hire Operators Licence over a short period of time. The sub-committee were not satisfied that the licence holder fully understood the importance of ensuring all conditions, policy, and byelaws were to be always complied with, and that it was the licence holders responsibility to ensure any staff understood those requirements.

The sub-committee also felt that the licence holder disregarded the importance of complying with the conditions attached to their licence. This was highly unacceptable behaviour of a licence holder who was entrusted by the public to transport them safely who must demonstrate the characteristics of a trustworthy suitable person.

In addition, the sub-committee were disappointed that neither the licence holder or their barrister gave assurances within their representations that reassured them of the remedies the licence holder would have implemented to prevent the situation occurring again, including how any preventative measures would be cascaded to any staff.

The members of the sub-committee were of the opinion that the licence holder failed to take appropriate actions to reinforce their responsibilities or that any staff were properly informed to ensure that all conditions were adhered to at all times. Therefore, the sub-committee unanimously agreed that the licence holders Private Hire Operators Licence was to be revoked, as they did not consider the licence holder to be a fit and proper person under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.