

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

13 October 2022

PRESENT: - K Vickers (Chairman), P Clark, T Ellerby, H Rayner and C Sherwood

The meeting was held at the Ashby Community Hub, Room G07, Ashby High Street, Scunthorpe.

- 1893 **SUBSTITUTIONS** – Councillor T Ellerby substituted for Councillor S Armitage, and Councillor C Sherwood substituted for Councillor P Vickers.
- 1894 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** – There were no declarations of disclosable pecuniary interests and personal or personal and prejudicial interests, and significant contact with applicants, objectors or third parties (lobbying).
- 1895 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 8 SEPTEMBER 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 8 September 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.
- 1896 **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 1897 and 1898 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).
- 1897 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Economy and Environment submitted a report advising members of an application for a Private Hire Vehicle Drivers Licence to be determined by the sub-committee.

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

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

- To grant the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
13 October 2022

- To grant the licence subject to additional conditions or restrictions.
- To refuse to grant the licence.

Should the sub-committee refuse the licence or impose additional terms, conditions or restrictions then the applicant 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 applicant had further recourse to the Crown Court.

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

The Licensing Authority presented the reason for the application being referred to the sub-committee for determination.

The applicant attended the hearing with their legal representative, who made submissions and responded to questions.

Resolved – That after hearing the representations made by the Licensing Authority and the legal representative for the applicant, at the hearing on Thursday 13 October 2022, the Licensing (Miscellaneous) Sub-Committee considered the nature of the previous allegations made against the applicant in 2013 and 2015 respectively and considered both representations as part of their deliberations. Additionally, the sub-committee gave careful consideration to North Lincolnshire Council's Taxi Licensing Policy.

The sub-committee gave particular weight to the fact that the applicant had no further allegations made against them since 2015. In addition, they acknowledged that there was no trace on the applicant's Disclosure and Barring Service Certificate (DBS).

The Licensing (Miscellaneous) Sub-Committee had as part of their deliberations considered Table 7 of North Lincolnshire's Taxi Licensing Policy. However, based on the circumstances of this particular case, the sub-committee had used their discretion to deviate from policy on this occasion. This deviation was a result of the sub-committee being satisfied that a sufficient amount of time had passed in particular being 7 years since the date of the last allegation made against the applicant.

Therefore, after careful consideration of all the information presented before the sub-committee, they agreed to grant the applicant a Private Hire Vehicle Drivers Licence for a period of one year, as they were satisfied that the applicant was a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976 to hold a Private Hire Vehicle Drivers Licence.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
13 October 2022

Furthermore, the sub-committee had granted the applicant's Private Hire Vehicle Drivers Licence on the condition that should the applicant seek to renew their licence after one year, then the applicant's Private Hire Vehicle Drivers Licence is to be determined by the sub-committee upon first renewal.

The sub-committee reminded the applicant that the standing of a fit and proper person applied to their conduct at all times. The sub-committee considered the allegations made against the applicant to be of a very serious nature and the sub-committee considered the safety of the public, in particular the welfare and safeguarding of vulnerable adults and children, to be its paramount consideration when determining any application for a Private Hire Vehicle Drivers Licence. 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.

1898 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE** – The Director: Economy and Environment submitted a report advising members of an application for a Private Hire Vehicle Licence to be determined by the sub-committee.

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

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

- To grant the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.
- To grant the licence subject to additional conditions or restrictions.
- To refuse to grant the licence.

Should the sub-committee refuse the licence or impose additional terms, conditions or restrictions then the applicant 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 applicant had further recourse to the Crown Court.

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

The Director: Governance and Communities informed the members that the applicant had made a submission in writing that they no longer wished to

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
13 October 2022

continue with the application.

Resolved – That the application be withdrawn.