

NORTH LINCOLNSHIRE COUNCIL
LICENSING (MISCELLANEOUS) SUB-COMMITTEE

30 March 2023

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

The meeting was held in Room S01e, Church Square House.

1950 **SUBSTITUTIONS** – There were no substitutions at the meeting.

1951 **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.

1952 **TO TAKE THE MINUTES OF THE MEETING HELD ON 16 MARCH 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 16 March 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1953 **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 item (Minute 1954 refers) on the grounds that it 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).

1954 **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

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

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

Resolved – That after hearing the submissions made by the applicant's legal representative, and the Licensing Authority at the hearing on the 30 March 2023, the Licensing (Miscellaneous) Sub-Committee carefully considered the information presented and that contained within the agenda bundle as part of their deliberations.

The sub-committee gave note to the representations made by the legal representative for the applicant, in particular the fact that they had not been prosecuted or convicted of any criminal offence. However, the sub-committee were disappointed that the representations made for the applicant failed to present any information to support their versions of the incident. In addition, the sub-committee were not satisfied that the representations made on behalf of the applicant provided any confidence that they understood the seriousness of the incident and that they would take necessary measures to ensure that similar situations would not occur in the future.

The sub-committee considered the nature of the incident very seriously and the safety of the public was their paramount consideration, in particular the welfare and safeguarding of vulnerable adults and children. The sub-committee expected a standard of behaviour which provided a positive image at all times of the taxi trade in North Lincolnshire. Private Hire Vehicle Drivers were directly responsible for the safety of the public and the sub-committee expected all licence holders to adhere to the requirements of the council's Taxi Licensing Policy, including safeguarding the public, and the

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conditions attached to a Private Hire Vehicles Driver's Licence, at all times.

Therefore, after careful consideration of all the information presented before it at the hearing, taking into account paragraph 4.30 of the Institute of Licensing Guidance on Suitability of Applicants and Licensee's in the Hackney and Private Hire Trades, and paragraph 5.14 of the Statutory Taxi and Private Hire Vehicles Standards, the sub-committee unanimously agreed that they were not satisfied that the applicant was a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976, and hereby refused to grant the application for a Private Hire Vehicles Drivers Licence.