

NORTH LINCOLNSHIRE COUNCIL
LICENSING (MISCELLANEOUS) SUB-COMMITTEE

20 July 2023

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

The meeting was held in Rooms G01e and G02e, Church Square House.

1968 **SUBSTITUTIONS** – There were no substitutions at the meeting.

1969 **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.

1970 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 30 MARCH 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 30 March 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1971 **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 1972 and 1973 refer) 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).

1972 **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

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

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

Resolved – That at the hearing on 20 July 2023, the Licensing (Miscellaneous) Sub-Committee, as part of their deliberations, carefully considered the submissions made by the applicant, their representative, and the Licensing Authority, as well as the information contained within the agenda bundle.

The sub-committee considered the number of penalty points issued to the applicants DVLA Driving Licence on 7 October 2021 and gave note to the fact the applicant failed to declare these points to the Licensing Authority. As part of their deliberations, the sub-committee also considered Table 2 and Table 4 of North Lincolnshire Councils Taxi Licensing Policy. However, as a result of the information presented at the hearing, the sub-committee used their discretion to deviate from the policy on this occasion.

Therefore, after careful consideration of all the information presented before it at the hearing, the sub-committee unanimously agreed to grant the application for a Private Hire Vehicle Drivers Licence for a period of one year, as they considered the applicant to be a fit and proper person under section 51 of the Local Government (Miscellaneous Provisions) Act 1976. Should there be no incidents reported to the Licensing Authority during that year, then the applicant would be able to apply for a three-year licence in

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accordance with North Lincolnshire Councils Taxi Licensing Policy.

Furthermore, the sub-committee issued the applicant with a formal warning. The standing of a fit and proper person applied to their conduct at all times. They 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 and the requirements of North Lincolnshire Councils Taxi Licensing Policy at all times.

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The Director: Governance and Communities informed the sub-committee that the applicant was unable to attend the hearing and respectfully requested the members to consider adjourning the hearing to a later date.

Resolved – That as the applicant was unable to attend the hearing, the sub-committee agreed to adjourn consideration of this application to allow another opportunity for the applicant to attend.