

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

21 September 2023

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

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

1987 **SUBSTITUTIONS** – There were no substitutions at the meeting.

1988 **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.

1989 **TO TAKE THE MINUTES OF THE MEETING HELD ON 20 JULY 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 20 July 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1990 **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 1991, 1992, 1993 and 1994 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).

1991 **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 such requests, the information to be taken into account and the

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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.

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

Resolved – That as the applicant's legal representative was unable to attend the hearing, the sub-committee agreed to adjourn consideration of this item to allow another opportunity for the applicant and their legal representative to attend.

1992 **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.
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The procedure for dealing with such requests at meetings of the sub-committee had previously been circulated to members.

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

Resolved – That as the applicant's legal representative was unable to attend the hearing, the sub-committee agreed to adjourn consideration of this item to allow another opportunity for the applicant and their legal representative to attend.

1993 **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 Hackney Carriage and Private Hire Vehicle Licences 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.

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

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

Resolved – That as the applicant's legal representative was unable to attend the hearing, the sub-committee agreed to adjourn consideration of this item to allow another opportunity for the applicant and their legal representative to attend.

1994 **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.
- 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.

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Resolved – That after hearing the submissions made by the applicant, their representative, and the Licensing Authority, at the hearing on 21 September 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 noted that the applicant had been acquitted by way of a trial from the criminal charges made against them in 2019, however, they considered the nature of the allegations made against the applicant to be of a very serious nature.

The sub-committee were presented with additional documentation from the applicant on the day of the hearing. The members of the sub-committee agreed to give little weight to the information contained within the documents as part of their deliberations.

The allegations that had been made against the applicant by members of the public raised serious concerns with the sub-committee as to the suitability of the applicant to hold a Private Hire Vehicle Drivers Licence. The sub-committee gave particular weight to the fact that the applicant had admitted to inappropriate physical behaviour with a vulnerable passenger whilst undertaking duties of a licensed Hackney Carriage and Private Hire Vehicle Driver in 2019. The sub-committee were of the view that this was a clear breach of the position of trust given to the licence holder as a Hackney Carriage and Private Hire Vehicle Driver. The sub-committee were also disappointed that when questioned about their behaviour raised in the allegations, the applicant showed no understanding as to the feelings of the members of the public.

The sub-committee considered the safety of the public to be its paramount consideration. They expected a standard of behaviour which provided a positive image at all times of the taxi trade in North Lincolnshire. Private Hire Vehicle Drivers are directly responsible for the safety of the public and the sub-committee expected any applicant to adhere to the requirements of the council's Taxi Licensing Policy, including the safeguarding of the public.

Furthermore, the sub-committee were concerned that the applicant had difficulty at the hearing to understand and converse in English. In particular that their representative, a family member, was required to interpret and respond to questions asked by members of the sub-committee. It is a requirement under the Council's Taxi Licensing Policy that a Hackney Carriage and Private Hire Vehicle Driver should be able to converse in English and that language should not be a barrier. The members of the sub-committee had little confidence that the applicant understood the requirements of the standing of a taxi driver or the seriousness of the allegations made against them.

Therefore, after careful consideration of all the information presented before it at the hearing, taking into account paragraph 5.14 of the Statutory Taxi

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and Private Hire Vehicles Standards, paragraph 4.12 and 4.33 of the Institute of Licensing's guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trade, and Table 6, paragraph 7 of the guidance to members – applications for Hackney Carriage and Private Hire Vehicle Driver's Licences within the Council's Licensing Taxi Policy, 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.