

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

15 June 2023

Chairman: Councillor Keith Vickers

Venue: Room F01e
Conference Room,
Church Square House

Time: 10.00 am

E-Mail Address:
sophie.smith@northlincs.gov.uk

AGENDA

1. Substitutions
2. Declarations of disclosable pecuniary interests and personal or personal and prejudicial interests, and significant contact with applicants, objectors or third parties (lobbying), if any.
3. To take the minutes of the meeting of this committee held on 19 January 2023 as a correct record and authorise the Chairman to sign. (Pages 1 - 4)
4. Sub-Committee Proceedings - To receive and where necessary confirm the minutes of the meetings of the Licensing (Miscellaneous) Sub-Committee held on 2 February, 16 March and 30 March 2023 (Pages 5 - 16)
5. To note the scheduled dates and times of the Licensing Committee as follows: -

Thursday 14 September 2023 at 10:00am
Thursday 16 November 2023 at 10:00am
Thursday 25 January 2024 at 10:00am
Thursday 21 March 2024 at 10:00am
6. To note the scheduled dates and times of the Licensing (Miscellaneous) Sub-Committee as follows: -

Thursday 22 June 2023 at 10:00am
Thursday 20 July 2023 at 10:00am
Thursday 21 September 2023 at 10:00am
Thursday 19 October 2023 at 10:00am
Thursday 23 November 2023 at 10:00am
Thursday 14 December 2023 at 10:00am
Thursday 1 February 2024 at 10:00am
Thursday 29 February 2024 at 10:00am
Thursday 28 March 2024 at 10:00am

Thursday 18 April 2024 at 10:00am

7. To appoint a Licensing (Miscellaneous) Sub-Committee comprising five members of the Licensing Committee (three Conservative and two Labour members) Councillors K Vickers (Chairman), P Vickers (Vice-Chairman), Armitage, Clark and Rayner.
8. To appoint a Licensing (Activities) Sub-Committee comprising three members (politically balanced) drawn from the 12 members of the Licensing Committee. (Membership of the sub-committee to deal with individual cases to be appointed as required from eligible members).
9. The Openness of Local Government Bodies Regulations 2014 (Pages 17 - 18)

Due to the file size, the spreadsheet for the decision records is available on the council's website at <https://www.northlincs.gov.uk/jobs-business-and-regeneration/licensing-policies-and-registers/#1605265985243-2e9b3778-4b00> - Determination Report 7 12 22 to 25 5 23'

10. Legislation Update, if any
11. Appeals Submitted to Magistrates Court, if any
12. Any other items which the Chairman decides are urgent by reason of special circumstances which must be specified.

The public are likely to be excluded from the meeting for consideration of the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

13. Enforcement Report (Pages 19 – 32)

Public Document Pack Agenda Item 3

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

19 January 2023

PRESENT: - Councillors K Vickers (Chairman), P Vickers (Vice-Chair), P Clark, T Ellerby, M Kirk, H Rayner, T Mitchell, C Sherwood, M Armiger and A Davison.

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

1927 **SUBSTITUTIONS** - Councillor M Armiger substituted for Councillor H Rowson; and Councillor A Davison substituted for Councillor S Armitage.

1928 **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 –

Councillor A Davison

No lobbying was declared.

1929 **TO TAKE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 3 NOVEMBER 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the proceedings of this committee held on 3 November 2022 having been printed and circulated amongst the members, be taken as read and correctly recorded and signed by the chairman.

1930 **SUB-COMMITTEE PROCEEDINGS - TO RECEIVE AND WHERE NECESSARY CONFIRM THE MINUTES OF THE MEETINGS OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE HELD ON 10 NOVEMBER AND 1 DECEMBER 2022 – Resolved** – That the minutes of the meetings of the Licensing (Miscellaneous) Sub-Committee held on 10 November and 1 December 2022 be received.

1931 **UPDATE ON DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY** – The Director: Economy and Environment informed the Committee of other neighbouring authorities and their stance on the installation of CCTV in Hackney Carriages.

The council's policy had not changed and remained the same around the installation of CCTV, however following the meeting on 3 November 2022, members were interested to know what other authorities had in place

LICENSING COMMITTEE
19 January 2023

surrounding CCTV in Hackney Carriage Vehicles.

In summary, other authorities appeared to be sharing the council's view on data protection issues and were currently steering away from making CCTV mandatory in Hackney Carriage Vehicles.

The Director: Economy and Environment distributed information to members relating to the number of Wheelchair Accessible Vehicles licensed by North Lincolnshire Council.

The Chairman, along with other members, informed the Committee that they had been contacted by concerned North Lincolnshire Council residents over the availability of Wheelchair Accessible Vehicles.

The Chairman facilitated a discussion and the Director: Economy and Environment responded to the points made by the Chairman and members of the Committee.

Resolved – That the position be noted, and enquires into other neighbouring authorities in relation to the number of Wheelchair Accessible Vehicles on their fleet be made.

1932 **THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014** – The Director: Economy and Environment submitted a report advising the Committee of all decisions taken by Authorised Officers of the Licensing Department, in relation to licences, registrations, permits and consents, under the scheme of delegation.

The adoption of the Openness of Local Government Bodies Regulations in August 2014 changed the requirements placed on local authorities in regard to reporting decisions taken under delegated authority by officers.

Prior to the new regulations, officers were required only to produce a report on decisions taken under authority delegated to them under the executive powers.

The requirement had now been extended to all decisions, whether made by an officer or on behalf of another committee/sub-committee or joint committee, in which the council participated. This applied where the decision had been delegated to an officer, either under a specific delegation or under a general authorisation.

A summary of all decisions made by officers for licences, registrations, permits and consents issued between 12 October 2022 and 7 December 2022 was made available on the council's website.

Resolved – That the report be noted.

LICENSING COMMITTEE
19 January 2023

1933 **LEGISLATION UPDATE (IF ANY)** – The Director: Economy and Environment informed the Committee of two pieces of legislation that had been amended. Revised guidance to the Scrap Metal Dealers Act 2013; and revised guidance issued under section 182 of the Licensing Act 2003. Details of the amendments made to both pieces of legislation were discussed.

Resolved – That the information be noted.

1934 **APPEALS SUBMITTED TO MAGISTRATES COURT (IF ANY)** – The Director: Governance and Communities informed the Committee that no appeals against decisions of the Licensing (Activities) Sub-Committee or Licensing (Miscellaneous) Sub-Committee had been submitted to the Magistrates Court for consideration.

Resolved – That the position be noted.

1935 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED** – **Resolved** – There were no urgent items for consideration by the Committee.

1936 **AUTHORISED OFFICER ENFORCEMENT REPORT** – The Director: Economy and Environment submitted a report advising the Committee of Enforcement carried out by Authorised Officers of the Licensing Division, in relation to licenses; registrations; permits and consents, under the scheme of delegation.

The aim of the Licensing Authority was to protect the safety and welfare of people using regulated businesses; to protect the welfare of animals and to provide support; to educate businesses and licence holders to help them to comply with the law; and to promote a fair-trading environment.

Having a broad range of powers available would mean that officers must select the appropriate response to the non-compliance issue. Considering the priorities as detailed in paragraph 6(1) of the Business Compliance and Support Policy, officers would also consider the severity of the infringement and the likelihood that a person would re-offend.

Enforcement could be carried out in many ways; for example by targeted enforcement following complaints and intelligence and another by proactive rolling programmed visits ensuring compliance with licensed premises.

Officers often worked outside normal office hours, either in pairs or in partnership with other agencies, such as the Police, Immigration and other Local Authority Enforcement Teams.

There were times when a complaint was made or following an investigation where the most appropriate action available was to do nothing. Where this was the case, officers would notify any complainant and inform the business

LICENSING COMMITTEE
19 January 2023

or person who was being investigated.

All complaints were risk assessed to establish where resources were best placed and those areas which required targeting.

A summary of all enforcement carried out by Authorised Licensing Officers between 18 October 2022 and 13 December 2022 was attached to the report.

Resolved – That the report be noted.

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

2 February 2023

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

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

1937 **SUBSTITUTIONS** – There were no substitutions at the meeting.

1938 **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.

1939 **TO TAKE THE MINUTES OF THE MEETING HELD ON 12 JANUARY 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 12 January 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1940 **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 1941, 1942 and 1943 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).

1941 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Economy and Environment submitted a report advising members of a review of a 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
2 February 2023

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.

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 – The Licensing (Miscellaneous) Sub-Committee carefully considered all the representations submitted at the hearing on 2 February 2023 by the licence holder, their legal representative, and the Licensing Authority, including their responses to members questions.

The sub-committee considered the number of penalty points awarded to the licence holder's DVLA driving licence in March 2021 and November 2022, one of which the licence holder failed to declare to the Licensing Authority. As part of their deliberations, the sub-committee took into account Table 1 and Table 4 of North Lincolnshire Council's Taxi Licensing Policy. However, based on the information heard at the hearing, the sub-committee used their discretion to deviate from the policy on this occasion. This deviation was a result of the sub-committee being satisfied that the licence holder was a fit and proper person, they gave weight to the comments made by the licence holder's legal representative, who submitted that the licence holder now understood the importance of notifying the Licensing Authority of any convictions without any delay throughout the period under which they hold a Private Hire Vehicles Drivers Licence, and not just upon renewal. In addition, the licence holder fully understood that should this pattern of behaviour continue, there would be a high possibility that their Private Hire Vehicle Drivers Licence may be revoked.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
2 February 2023

Therefore, the sub-committee agreed to allow the licence holders Private Hire Vehicles Drivers Licence to continue, as they were satisfied that the licence holder was a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976. However, the sub-committee issued the licence holder with a formal warning in respect of their conduct and reminded the licence holder that the standing of a fit and proper person applied to their conduct at all times. The sub-committee expected a standard of behaviour which provided a positive image of the taxi trade in North Lincolnshire and expected the licence holder to adhere to the conditions attached to their licence and North Lincolnshire Council's Taxi Licence Policy at all times.

1942 **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 applicants legal representative informed the sub-committee that the applicant was unable to attend the hearing due to unforeseen circumstances, and asked the members to consider adjourning the hearing to a later date.

Resolved – That as the applicant was unable to attend the hearing, the sub-

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
2 February 2023

committee agreed to adjourn consideration of this application to allow another opportunity for the applicant to attend.

- 1943 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A 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 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 or add conditions of obtaining a 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.

Resolved – The Director: Governance and Communities informed the sub-committee that the licence holder was unable to attend the hearing and had requested that the review be heard in their absence. However, the sub-committee agreed to adjourn consideration of this review to allow another opportunity for the licence holder to attend.

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

16 March 2023

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

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

1944 **SUBSTITUTIONS** – Councillor H Rowson substituted for Councillor P Vickers, and Cllr A Davison substituted for Cllr S Armitage.

1945 **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).

1946 **TO TAKE THE MINUTES OF THE MEETING HELD ON 2 FEBRUARY 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 2 February 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1947 **ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES THAT MUST BE SPECIFIED** – The Director: Governance and Communities informed the sub-committee that they had been notified of the sad passing of the licence holder in relation to minute 1943.

Resolved – That the information be noted.

That the public be excluded from the meeting for consideration of the following items (Minutes 1948 and 1949 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).

1948 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - RENEWAL OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Economy and Environment submitted a report advising members of an application for a Hackney Carriage and Private Hire Vehicle Drivers

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
16 March 2023

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 renew the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.
- To renew the licence subject to additional conditions or restrictions.
- To refuse to renew 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 applicant's solicitor, and the Licensing Authority at the hearing on the 16 March 2023, the Licensing (Miscellaneous) Sub-Committee considered the nature of the allegation made against the applicant in April 2022 and considered both representations as part of their deliberations. Additionally, the sub-committee gave careful consideration to paragraphs 4.10, 4.12 and 4.33 of the 'Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades' produced by the Institute of Licensing.

The sub-committee gave particular weight to the circumstances of the case and the serious nature of the allegation. The sub-committee lacked confidence that the allegation was comprehensively investigated and concluded, which led to many unanswered questions and further doubt on the applicant's suitability. Furthermore, the sub-committee were concerned that the applicant did not attempt to prove or plead their innocence to the Licensing Authority during the period of investigation.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
16 March 2023

The sub-committee were deeply concerned regarding the seriousness of the allegation made against the applicant. The sub-committee considered the safety of the public to be their paramount consideration and expected a standard of behaviour which provided a positive image of the taxi trade in North Lincolnshire and would expect all licence holders to adhere to the conditions attached to their licence, the Taxi Licence Policy and the Byelaws at all times. In this instance, the sub-committee believed the applicant could not meet these requirements.

Therefore, after careful consideration of all the information presented before the sub-committee, taking into account paragraph 5.14 of the Statutory Taxi and Private Hire Vehicle Standards, on the balance of probability 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. Therefore, the sub-committee unanimously agreed to refuse to renew the application for a Hackney Carriage and Private Hire Vehicle Drivers Licence.

1949 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - GRANT OF 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.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
16 March 2023

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

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

Resolved – That after hearing the representations made by the applicant and their representative, and the Licensing Authority at the hearing on the 16 March 2023, the Licensing (Miscellaneous) Sub-Committee considered both representations as part of their deliberations. Additionally, the sub-committee gave careful consideration to paragraphs 4.10 and 4.20 of the ‘Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades’ produced by the Institute of Licensing.

The sub-committee considered the circumstances and background of the applicants case, in which they gave particular consideration to the accumulation of behaviours and actions. The sub-committee felt that the applicant disregarded the importance of complying with the requirement of a licence and the application process. The sub-committee considered traffic offences very seriously and the safety of the public was important. As part of the application process, the sub-committee felt the applicant failed to demonstrate acceptable behaviours in line with the expectation of a suitable and trustworthy licence holder. Furthermore, the sub- committee were also disappointed that when the applicant was questioned about their behaviour, the applicant showed no remorse or acknowledgement of the impact of their behaviour and the impact it had on others.

The sub-committee were not satisfied that the applicant had demonstrated an understanding of the importance to declare all information on an application. In addition, the applicant provided the sub-committee with no confidence that they had learned from their mistakes and would take necessary measures to ensure that similar offences would not occur in the future. The sub-committee considered the safety of the public to be its paramount consideration and 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 Taxi Licence Policy at all times. In this instance, the sub-committee believed the applicant could not meet these requirements.

After careful consideration of all the information presented before the sub-committee, taking into account paragraph 5.14 of the Statutory Taxi and Private Hire Vehicle Standards, 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. Therefore, the sub-committee unanimously agreed to refuse to grant the application for a Private Hire Vehicle Drivers Licence.

Public Document Pack

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

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
30 March 2023

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

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
30 March 2023

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.

This page is intentionally left blank

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To advise the Committee of all decisions taken by Authorised Officers of the Licensing Division, in relation to licenses; registrations; permits and consents, under the scheme of delegation.

2. BACKGROUND INFORMATION

- 2.1 In August 2014 the Government introduced regulations which require the publication of decisions by officers for non-executive functions where they are for an authorisation, licence or where it affects the rights of an individual.
- 2.2 The adoption of the Openness of Local Government Bodies Regulations in August 2014 changed the requirements placed on local authorities in regard to reporting decisions taken under delegated authority by Officers.
- 2.3 Prior to the new regulations, Officers were required only to produce a report on decisions taken under authority delegated to them under the Authority's Executive powers.
- 2.4 The requirement has now been extended to all decisions, whether made by an officer or on behalf of another committee/sub-committee or joint committee, in which the Council participates. This applies where the decision has been delegated to an officer, either under a specific delegation or under a general authorisation.
- 2.5 A summary of all decisions made by officers for licences, registrations, permits, and consents issued between 7 December 2022 and 25 May 2023, are available on the council's website.

3. OPTIONS FOR CONSIDERATION

- 3.1 That the report be noted.

4. ANALYSIS OF OPTIONS

- 4.1 The report is for information only.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (E.G. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS ETC)

5.1 None

6. OTHER RELEVANT IMPLICATIONS (E.G. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK ETC)

6.1 There is a requirement to publish decisions in accordance with regulations.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

7.1 None.

8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST DECLARED

8.1 None.

9. RECOMMENDATIONS

9.1 That the report be noted.

DIRECTOR: ECONOMY AND ENVIRONMENT

Church Square House
30-40 High Street
Scunthorpe
North Lincolnshire
DN15 6NL

Author: Nicola Ellis
Date: 26 May 2023

Background Papers used in the preparation of this report: - CIVICA Reports

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank