

NORTH LINCOLNSHIRE COUNCIL
LICENSING (MISCELLANEOUS) SUB-COMMITTEE

29 February 2024

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

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

2043 **SUBSTITUTIONS** – Councillor C Sherwood substituted for Councillor P Vickers.

2044 **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.

2045 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 21 DECEMBER 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 21 December 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2046 **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 2036 and 2037 refer) on the grounds that they involved 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).

2047 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A PRIVATE HIRE OPERATORS LICENCE** – The Director: Communities 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

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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 - That after hearing the submissions made by the licence holder, their legal representative, and the Licensing Authority, at the hearing on 29 February 2024, the Licensing (Miscellaneous) Sub-Committee carefully considered the information presented, including their responses to questions, and that contained within the agenda bundle as part of their deliberations.

The sub-committee were deeply concerned to hear evidence that the licence holder was directly linked to Ashby Cars Ltd. This was of grave concern to the sub-committee as Ashby Cars Ltd's Private Hire Operators Licence was revoked on 21 December 2023, for using an unlicensed driver to fulfil a substantial number of Private Hire bookings on their behalf. The vehicle used on these journeys was also uninsured.

In addition, the sub-committee were also concerned to hear that seven vehicles the licence holder was previously operating/using, which were inspected by the Council's Fleet Services Department were deemed not to be in a safe condition internally or externally in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy. As a result of the breaches of the Hackney Carriage and Private Hire Licensing Policy, the licence holder was issued with 84 warning points, which were due to be removed on 8 March 2024.

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Due to the little time that had passed since the revocation of the Private Hire Operator Licence for Ashby Cars Ltd, coupled with the licence holder still being an active Director of the company Ashby Cars Ltd, and that the licence holder sought to transfer their Private Hire Operators Licence to Ashby Cars Ltd within days of the licence being approved, the sub-committee concluded that they had little confidence that the licence holder understood the actions required of them to comply with the conditions of their licence. In addition, the sub-committee did not believe that the licence holder understood the importance of ensuring that required standards are adhered to at all times. The safety of the public was the sub-committee's 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.

The sub-committee gave great consideration and particular weight to paragraph 4.48 and 3.40 of the adopted 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' produced by the Institute of Licensing, and Table 9 at paragraph 7 of Appendix E (Guidance to Members – Applications and Reviews of Private Hire Operators Licences) of the Hackney Carriage and Private Hire Licensing Policy during their deliberations. Consequently, the sub-committee unanimously agreed to revoke the Private Hire Operators Licence as the sub-committee did not consider the licence holder to be a fit and proper person in accordance with section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

2048 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Communities 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.
- 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

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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 – That after hearing the submissions made by the licence holder's legal representative, and the Licensing Authority at the hearing on the 29 February 2024, the Licensing (Miscellaneous) Sub-Committee carefully considered the information presented, including their responses to questions, and that contained within the agenda bundle as part of their deliberations.

The sub-committee considered the number of warning points awarded to the licence holders Hackney Carriage and Private Hire Vehicle Drivers Licence, and the evidence that linked the licence holder to Ashby Cars Ltd, who had their Private Hire Operators Licence revoked on the 21 December 2023.

The sub-committee were concerned that it was the licence holder's vehicles that were used by an unlicensed driver whilst working at Ashby Cars Ltd. However, they considered the honesty of the licence holder at the hearing, in particular that they had resigned from being a Director at Ashby Cars Ltd and no longer worked for the company, they demonstrated remorse and accepted responsibility for their previous actions as a Private Hire Operator at Ashby Cars Ltd, and that they fully understood the importance of ensuring the appropriate standard of behaviour required within the taxi trade.

The sub-committee gave great consideration and particular weight to paragraph 5.14 of the statutory taxi and private hire vehicles standards during their deliberations. The sub-committee were satisfied that the licence holder could undertake their duties as a Hackney Carriage and Private Hire Vehicle Driver to ensure the safety of passengers. Therefore, the sub-committee agreed to allow the licence holder's Hackney Carriage and Private Hire Vehicle Drivers Licence to continue, as the sub-committee considered the licence holder to be a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976. The 25 warning points associated with their licence would remain on the licence holder's licence until they were due to expire.

2049 **TOWN POLICE CLAUSES ACT 1847 - APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE** – The Director: Communities submitted a report advising members of an application for a Hackney Carriage Vehicle

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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 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 29 February 2024, the Licensing (Miscellaneous) Sub-Committee carefully considered the information presented, including their responses to questions, and that contained within the agenda bundle as part of their deliberations.

The sub-committee considered the number of warning points awarded to the applicants Hackney Carriage and Private Hire Vehicle Drivers Licence and the evidence that linked the applicant to Ashby Cars Ltd who had their Private Hire Operators Licence revoked on the 21 December 2023.

The sub-committee were concerned that it was the vehicle of the applicant that was used by an unlicensed driver whilst working at Ashby Cars Ltd. However, they considered the honesty of the applicant at the hearing, in particular that they had resigned from being a Director at Ashby Cars Ltd and no longer worked for the company, they demonstrated remorse and accepted responsibility for their previous actions as a Private Hire Operator at Ashby

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Cars Ltd, and that they fully understood the importance of ensuring the appropriate standard of behaviour required within the taxi trade.

The sub-committee gave great consideration and particular weight to paragraph 5.14 of the statutory taxi and private hire vehicles standards during their deliberations. The sub-committee were satisfied that that the applicant could undertake their duties as a proprietor of a Hackney Carriage Vehicle. Therefore, the sub-committee agreed to grant the application for a Hackney Carriage Vehicle Licence as the sub-committee considered the applicant to be a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976. The 25 Warning points associated with their licence would remain on the licence holder's licence until they were due to expire.

- 2050 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A PRIVATE HIRE OPERATORS LICENCE – Resolved** - That due to unavoidable circumstances, the sub-committee informed the licence holder that in the interest of fairness, they had agreed to adjourn consideration of this item to a future date to allow all parties the reasonable time to present their cases to the sub-committee, to which all parties agreed.
- 2051 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE – Resolved** - That due to unavoidable circumstances, the sub-committee informed the licence holder that in the interest of fairness, they had agreed to adjourn consideration of this item to a future date to allow all parties the reasonable time to present their cases to the sub-committee, to which all parties agreed.
- 2052 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES – Resolved** - That due to unavoidable circumstances, the sub-committee informed the licence holder that in the interest of fairness, they had agreed to adjourn consideration of this item to a future date to allow all parties the reasonable time to present their cases to the sub-committee, to which all parties agreed.