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## NORTH LINCOLNSHIRE COUNCIL

### LICENSING (MISCELLANEOUS) SUB-COMMITTEE

30 June 2022

**PRESENT:** - Councillors K Vickers (Chairman), P Vickers (Vice-Chair), P Clark, H Rayner and T Ellerby.

The meeting was held in the Conference Room, Church Square House.

- 1834 **SUBSTITUTIONS** – Councillor T Ellerby substituted for Councillor S Armitage.
- 1835 **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).
- 1836 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 17 MARCH 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 17 March 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.
- 1837 **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 1838 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).
- 1838 **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.

**LICENSING (MISCELLANEOUS) SUB-COMMITTEE**  
**30 June 2022**

- 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 referred to the sub-committee for determination.

The applicant attended the hearing with their former employer and a friend, who made submissions and responded to questions.

**Resolved** – The Licensing (Miscellaneous) Sub-Committee carefully considered all of the representations submitted by the applicant, their former employer and their friend, as well as the Licensing Authority, including their responses to members' questions. Following the conclusion of the hearing, the Licensing (Miscellaneous) Sub-Committee unanimously agreed to refuse to grant the licence as the members were of the view that the applicant was not a fit and proper person to hold a Private Hire Vehicle Drivers Licence, pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The sub-committee had serious safeguarding concerns with the applicant that had been raised concerning a vulnerable minor. The sub-committee were deeply concerned that the applicant had not demonstrated they could apply the licensing authority's safeguarding policies and procedures correctly, despite receiving training. In addition, the sub-committee was also concerned to note the applicant failed to declare a previous caution on their application.

Consequently, the sub-committee unanimously agreed to refuse to grant the application as the protection and safety of the public, and particularly children and those who were vulnerable, was the members paramount concern.