

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

8 September 2022

PRESENT: - Councillors K Vickers (Chairman)

Councillors M Armiger, S Armitage, H Rayner and T Mitchell.

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

1877 **SUBSTITUTIONS** - Councillor M Armiger substituted for Councillor P Clark, and Councillor T Mitchell substituted for Councillor P Vickers.

1878 **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.

1879 **TO TAKE THE MINUTES OF THE MEETING HELD ON 30 JUNE 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN - Resolved** – That the minutes of the meeting held on 30 June 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1880 **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 1843 and 1844 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).

1881 **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

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
8 September 2022

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 Director: Governance and Communities informed the members that the applicant was unable to attend the hearing. The applicant's legal representative had respectfully requested in writing that the item be deferred.

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.

1882 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - GRANT 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 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.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
8 September 2022

- 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 legal representative and a family member, who made submissions and responded to questions.

Resolved – The Licensing (Miscellaneous) Sub-Committee carefully considered all of the submissions made by the legal representative for the applicant, the applicant, the applicant’s family member and the Licensing Authority, including their responses to members questions. Following the conclusion of the hearing, the Licensing (Miscellaneous) Sub-Committee considered the nature of the complaints made against the applicant to be very serious and gave particular weight to the nature of the complaints as part of their deliberations.

The sub-committee were greatly concerned that serious complaints had been made against the applicant by members of the public a number of times, which raised concerns of the applicant’s suitability to hold a Hackney Carriage and Private Hire Vehicle Drivers Licence. The sub-committee were also disappointed that when that applicant was questioned about their behaviour raised in the complaints, the applicant showed no remorse or acknowledgement of the impact of their behaviour and the impact it had on the complainants.

The sub-committee considered the allegations made against the applicant to be of a very serious nature, members considered the safety of the public to be its paramount consideration. The sub-committee expected a standard of behaviour which provided a positive image at all times of the taxi trade in North Lincolnshire. Hackney Carriage and Private Hire Vehicle Drivers were directly responsible for the safety of the public. Consequently, the sub-committee would expect an applicant to adhere to the requirements of the council’s Taxi Licensing Policy, including the safeguarding of the public, and the conditions attached to a Hackney Carriage and Private Hire Vehicles Drivers Licence at all times. In this instance, the sub-committee believed the applicant could not meet these requirements.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
8 September 2022

The sub-committee were also concerned that, at the hearing the applicant had difficulty in understanding and conversing in English. In particular, the applicant required a family member to interpret and respond to questions asked of the applicant by members, and made reference to not being able to understand members of the public at times when previously undertaking their duties as a Hackney Carriage or Private Hire Vehicle Driver. It was 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 sub-committee gave consideration to this and believed that language and being able to converse in English for the applicant was a barrier.

The members of the sub-committee had little confidence that the applicant understood the requirements of the standing of a taxi driver, the seriousness of the allegations made against the applicant and that they were able to fully understand and converse in English with members of the public. Therefore, after careful consideration of all the information presented before them, 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 to hold a Hackney Carriage and Private Hire Vehicle Drivers Licence and hereby refuse the applicants application for a Hackney Carriage and Private Hire Vehicles Drivers Licence.