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NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

10 November 2022

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

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

1909 **SUBSTITUTIONS** – Councillor H Rowson substituted for Councillor P Vickers.

1910 **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.

1911 **TO TAKE THE MINUTES OF THE MEETING HELD ON 13 OCTOBER 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 13 October 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1912 **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 1913 and 1914 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).

1913 **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

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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 referred to the sub-committee for determination.

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

Resolved – That after hearing the submissions made by the Licensing Authority, the applicant, and their representative at the hearing on the 10 November 2022, the Licensing (Miscellaneous) Sub-Committee considered the nature of the trace on the applicant's Disclosure and Barring Service (DBS) Certificate and considered both representations as part of their deliberations.

The sub-committee considered North Lincolnshire Council's Taxi Licensing Policy and paragraph 5.12 of the Department for Transport Statutory Taxi and Private Hire Vehicles Standards.

The sub-committee gave particular note to the fact that the applicant had no further cautions, convictions or allegations made against them since 2004. In addition, they acknowledged that there was no further trace on the applicant's DBS Certificate.

Therefore, after careful consideration of all the information presented at the hearing, the sub-committee agreed to grant the applicant a Private Hire Vehicles Driver Licence, as they were 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 Private Hire Vehicle Drivers

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Licence.

- 1914 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE VEHICLES 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 referred to the sub-committee for determination.

The applicant attended the hearing, who made submissions and responded to questions.

Resolved – That after hearing the submissions made by the Licensing Authority and the applicant at the hearing on the 10 November 2022, the Licensing (Miscellaneous) Sub-Committee considered the nature of the convictions of the applicant in 2012 and 2020 respectively, and considered both representations as part of their deliberations.

The sub-committee considered traffic offences very seriously and the safety of the public was their paramount consideration. The sub-committee expected a standard of behaviour which provided a positive image of the taxi trade in North Lincolnshire.

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The sub-committee were not satisfied that the applicant had demonstrated an understanding of the importance to declare all information on an application and of always ensuring the safety of the public. 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.

Therefore, after careful consideration of all the information presented at the hearing, Table 3 of North Lincolnshire Council's Taxi Policy which stated that an applicant should be free from conviction for a major road traffic offence for at least 3 years to hold a licence, 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 Private Hire Vehicle Drivers Licence, and hereby refused the application.