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NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

12 January 2023

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

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

1922 **SUBSTITUTIONS** – Councillor C Sherwood substituted for Councillor P Vickers, and Councillor T Ellerby substituted for Councillor H Rayner.

1923 **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.

1924 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 1 DECEMBER 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 1 December 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1925 **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 1926 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).

1926 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Economy and Environment submitted a report advising members of

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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.

The Licensing Authority presented the reason for the review being considered by the sub-committee.

The licence holder attended the hearing, accompanied by their employer, who both made submissions and responded to questions.

Resolved – The Licensing (Miscellaneous) Sub-Committee carefully considered all the representations submitted at the hearing on 12 January 2023 by the licence holder, their employer, and the Licensing Authority, including their responses to members questions. The sub-committee agreed to allow the licence holder's Hackney Carriage and 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.

The sub-committee considered the penalty points that were awarded to the licence holders DVLA Driving Licence in December 2022, taking into consideration Table 3 of North Lincolnshire Council's Taxi Licensing Policy. However, based on the circumstances of this case, the sub-committee used their discretion to deviate from policy on this occasion. This was a result of the sub-committee being satisfied that the licence holder was a fit and proper person. They gave particular weight to the comments made by the

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Magistrates at the hearing in December 2022, who gave the licence holder full credit for their guilty plea and their error of judgement, taking into account their personal mitigation. Furthermore, the sub-committee took into consideration the fact the traffic commissioner deemed the licence holder as a fit and proper person to continue to hold their Large Good Vehicle and Passenger Carrying Vehicles licence.

In addition, the sub-committee agreed, unless any additional information which would warrant a referral to the sub-committee for a review of their licence was brought to the Licensing Authority's attention, the receipt of the licence holders renewal application could be determined by Authorised Officers in accordance with North Lincolnshire Council's Taxi Licensing Policy.

The sub-committee 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 all licence holders to adhere to the conditions attached to their licence, the Taxi Licensing Policy and the Byelaws at all times.

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