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NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

16 March 2023

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

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

1944 **SUBSTITUTIONS** – Councillor H Rowson substituted for Councillor P Vickers, and Cllr A Davison substituted for Cllr S Armitage.

1945 **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).

1946 **TO TAKE THE MINUTES OF THE MEETING HELD ON 2 FEBRUARY 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 2 February 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1947 **ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES THAT MUST BE SPECIFIED** – The Director: Governance and Communities informed the sub-committee that they had been notified of the sad passing of the licence holder in relation to minute 1943.

Resolved – That the information be noted.

That the public be excluded from the meeting for consideration of the following items (Minutes 1948 and 1949 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).

1948 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - RENEWAL 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

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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 renew the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.
- To renew the licence subject to additional conditions or restrictions.
- To refuse to renew 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, who made submissions and responded to questions.

Resolved – That after hearing the representations made by the applicant's solicitor, and the Licensing Authority at the hearing on the 16 March 2023, the Licensing (Miscellaneous) Sub-Committee considered the nature of the allegation made against the applicant in April 2022 and considered both representations as part of their deliberations. Additionally, the sub-committee gave careful consideration to paragraphs 4.10, 4.12 and 4.33 of the 'Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades' produced by the Institute of Licensing.

The sub-committee gave particular weight to the circumstances of the case and the serious nature of the allegation. The sub-committee lacked confidence that the allegation was comprehensively investigated and concluded, which led to many unanswered questions and further doubt on the applicant's suitability. Furthermore, the sub-committee were concerned that the applicant did not attempt to prove or plead their innocence to the Licensing Authority during the period of investigation.

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The sub-committee were deeply concerned regarding the seriousness of the allegation made against the applicant. The sub-committee considered the safety of the public to be their paramount consideration and expected a standard of behaviour which provided a positive image of the taxi trade in North Lincolnshire and would expect all licence holders to adhere to the conditions attached to their licence, the Taxi Licence Policy and the Byelaws at all times. In this instance, the sub-committee believed the applicant could not meet these requirements.

Therefore, after careful consideration of all the information presented before the sub-committee, taking into account paragraph 5.14 of the Statutory Taxi and Private Hire Vehicle Standards, on the balance of probability 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. Therefore, the sub-committee unanimously agreed to refuse to renew the application for a Hackney Carriage and Private Hire Vehicle Drivers Licence.

1949 **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.
- 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.

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The Licensing Authority presented the reason for the application being referred to the sub-committee for determination.

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

Resolved – That after hearing the representations made by the applicant and their representative, and the Licensing Authority at the hearing on the 16 March 2023, the Licensing (Miscellaneous) Sub-Committee considered both representations as part of their deliberations. Additionally, the sub-committee gave careful consideration to paragraphs 4.10 and 4.20 of the ‘Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades’ produced by the Institute of Licensing.

The sub-committee considered the circumstances and background of the applicants case, in which they gave particular consideration to the accumulation of behaviours and actions. The sub-committee felt that the applicant disregarded the importance of complying with the requirement of a licence and the application process. The sub-committee considered traffic offences very seriously and the safety of the public was important. As part of the application process, the sub-committee felt the applicant failed to demonstrate acceptable behaviours in line with the expectation of a suitable and trustworthy licence holder. Furthermore, the sub- committee were also disappointed that when the applicant was questioned about their behaviour, the applicant showed no remorse or acknowledgement of the impact of their behaviour and the impact it had on others.

The sub-committee were not satisfied that the applicant had demonstrated an understanding of the importance to declare all information on an application. 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. The sub-committee considered the safety of the public to be its paramount consideration and 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 and the Taxi Licence Policy at all times. In this instance, the sub-committee believed the applicant could not meet these requirements.

After careful consideration of all the information presented before the sub-committee, taking into account paragraph 5.14 of the Statutory Taxi and Private Hire Vehicle Standards, 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. Therefore, the sub-committee unanimously agreed to refuse to grant the application for a Private Hire Vehicle Drivers Licence.