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NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

2 February 2023

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

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

1937 **SUBSTITUTIONS** – There were no substitutions at the meeting.

1938 **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.

1939 **TO TAKE THE MINUTES OF THE MEETING HELD ON 12 JANUARY 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 12 January 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1940 **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 1941, 1942 and 1943 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).

1941 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Economy and Environment submitted a report advising members of a review of 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 2 February 2023

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

Resolved – The Licensing (Miscellaneous) Sub-Committee carefully considered all the representations submitted at the hearing on 2 February 2023 by the licence holder, their legal representative, and the Licensing Authority, including their responses to members questions.

The sub-committee considered the number of penalty points awarded to the licence holder's DVLA driving licence in March 2021 and November 2022, one of which the licence holder failed to declare to the Licensing Authority. As part of their deliberations, the sub-committee took into account Table 1 and Table 4 of North Lincolnshire Council's Taxi Licensing Policy. However, based on the information heard at the hearing, the sub-committee used their discretion to deviate from the policy on this occasion. This deviation was a result of the sub-committee being satisfied that the licence holder was a fit and proper person, they gave weight to the comments made by the licence holder's legal representative, who submitted that the licence holder now understood the importance of notifying the Licensing Authority of any convictions without any delay throughout the period under which they hold a Private Hire Vehicles Drivers Licence, and not just upon renewal. In addition, the licence holder fully understood that should this pattern of behaviour continue, there would be a high possibility that their Private Hire Vehicle Drivers Licence may be revoked.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
2 February 2023

Therefore, the sub-committee agreed to allow the licence holders 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. However, the sub-committee issued the licence holder with a formal warning in respect of their conduct and 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 the licence holder to adhere to the conditions attached to their licence and North Lincolnshire Council's Taxi Licence Policy at all times.

1942 **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 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 applicants legal representative informed the sub-committee that the applicant was unable to attend the hearing due to unforeseen circumstances, and asked the members to consider adjourning the hearing to a later date.

Resolved – That as the applicant was unable to attend the hearing, the sub-

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
2 February 2023

committee agreed to adjourn consideration of this application to allow another opportunity for the applicant to attend.

- 1943 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Economy and Environment submitted a report advising members of 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.

Resolved – The Director: Governance and Communities informed the sub-committee that the licence holder was unable to attend the hearing and had requested that the review be heard in their absence. However, the sub-committee agreed to adjourn consideration of this review to allow another opportunity for the licence holder to attend.