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NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

28 September 2023

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

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

1995 **SUBSTITUTIONS** – Councillor T Mitchell substituted for Councillor P Vickers, and Cllr T Ellerby substituted for Cllr H Rayner.

1996 **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.

1997 **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 1998 and 1999 refer) 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).

1998 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - RENEWAL OF A PRIVATE HIRE OPERATORS LICENCE** – The Director: Economy and Environment submitted a report advising members of a renewal application for a Private Hire Operators 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

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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 considered by the sub-committee.

The applicant 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 28 September 2023 by the applicant, their legal representative, and the Licensing Authority, including their responses to members questions. The sub-committee agreed to renew the applicant’s Private Hire Operators Licence as applied for, as they were satisfied that the applicant was a fit and proper person in accordance with section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

The sub-committee considered the revocation of the Private Hire Operators Licence by another Local Authority as part of their deliberations. The sub-committee gave great consideration and particular weight to the information provided by the applicant’s legal representative in respect of the improvements the applicant had made to their fleet vehicle checks and safety procedures.

The sub-committee would like to remind the applicant 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 applicant to adhere to the conditions attached to their licence including North Lincolnshire Council’s Taxi Licensing Policy at all times.

1999 **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.
- 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 28 September 2023 by the licence holder’s legal representative, and the Licensing Authority, including their responses to members questions.

The sub-committee members were deeply concerned with the accumulation of warning points to the licence holder’s Hackney Carriage and Private Hire Vehicle Drivers Licence over a short period of time. However, the sub-committee felt that the licence holder understood the importance of ensuring all conditions, policy, and byelaws are to be complied with at all times.

Therefore, the sub-committee agreed to allow the licence holder’s Hackney Carriage and Private Hire Vehicle 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 agreed to issue the licence holder with a formal warning in that the standing of a fit and proper person applied to their

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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 including the requirements of North Lincolnshire Councils Taxi Licensing Policy at all times.

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