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NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

19 October 2023

PRESENT: - Councillors P Vickers (Vice-Chair), M Armiger, J Matthews and H Rayner.

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

2000 **SUBSTITUTIONS** – Councillor M Armiger substituted for Councillor P Clark, and Cllr J Matthews substituted for Cllr S Armitage.

2001 **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).

2002 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 21 SEPTEMBER AND 28 SEPTEMBER 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meetings held on 21 September and 28 September 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2003 **ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES THAT MUST BE SPECIFIED** – That the public be excluded from the meeting for consideration of the following items (Minutes 2004, 2005, 2006, 2007 and 2008 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).

Further to Minute 1897, the Director: Outcomes informed the committee that in accordance with the decision made by the Licensing (Miscellaneous) Sub-Committee on 13 October 2022, the licence holder had been in possession of the licence for one year. Consequently, the licence holder had applied to renew their Private Hire Vehicle Drivers licence. The Director informed the members that there had been no correspondence or communication received by the Licensing Authority during the past year concerning the licence holder. Consequently, the Director respectfully requested on behalf of the Licensing Authority that the licence be renewed as applied for.

The Chairman then facilitated a discussion on the renewal of the Private Hire Vehicle Drivers licence.

Resolved – That the Private Hire Vehicle Drivers licence be renewed as

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applied for.

- 2004 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Outcomes informed the sub-committee that the Licensing Authority had withdrawn this application.

Resolved – That that withdrawal be noted.

- 2005 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Communities 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 considered by the sub-committee.

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

Resolved – That after hearing the representations made by the applicant, their representative, and the Licensing Authority at the hearing on the 19 October 2023, the Licensing (Miscellaneous) Sub-Committee agreed to grant the applicant a Private Hire Vehicle Drivers Licence, as they considered the

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individual to be a fit and proper person under section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

In determining the application, the sub-committee carefully considered the number of penalty points awarded to the Licence Holder's DVLA driving licence on the 9 June 2020. Consideration was also given to the honesty of the applicant at the hearing in that they had declared the points awarded to their DVLA driving licence as part of their application and that the points had now expired.

When determining such applications, the sub-committee gave due consideration to Table 2 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 and grant the licence.

Consequently, the sub-committee agreed to grant the applicant a Private Hire Vehicles Drivers Licence, as they considered the individual to be a fit and proper person under section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

However, the sub-committee issued the applicant with a formal warning in respect of their conduct and reminded them 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 and the Taxi Licensing Policy at all times.

2006 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Communities 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.
- 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

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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 – That after hearing the representations made by the applicant, their representative, and the Licensing Authority at the hearing on the 19 October 2023, the Licensing (Miscellaneous) Sub-Committee agreed to allow the licence holders Hackney Carriage and Private Hire Vehicle Drivers Licence to continue, as they considered the individual to be a fit and proper person under section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The safety of the public was the Licensing (Miscellaneous) Sub-Committee's paramount concern when determining any Hackney Carriage or Private Hire Vehicle Drivers Licence application. In particular, the members of the sub-committee would always ensure that drivers of both Hackney Carriage and Private Hire Vehicles maintained their vehicles to the acceptable standard as set out in the council's Taxi Licensing Policy at all times.

The councillors were deeply concerned with the number of vehicles held by Licence Holder under their proprietor's licence that, upon inspection by the council's Fleet Services department, were deemed to not be to the standard required under the council's Taxi Licensing Policy. The inspection, in February 2023 and June 2023 identified several breaches of the council's Taxi Licensing Policy, resulting in the Licence Holder being issued with 39 warning points to their licence.

In determining the application, the Licensing (Miscellaneous) Sub-Committee considered all the information contained within the agenda bundle.

The councillors also listened carefully to the representation made by the Licensing Authority, the Licence Holder and their Legal Representative at the hearing on the 19 October 2023, including their responses to members questions.

The Sub-Committee gave particular consideration and applied the appropriate weight to paragraph 4.25 and 4.26 of the adopted Guidance on determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire trade produced by the Institute of Licensing. Councillors also had regard to paragraph 5.14 of the statutory taxi and private

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hire vehicles standard during their deliberations.

The Sub-Committee were satisfied that the Licence Holder could undertake their duties as a Private Hire Vehicle Driver and ensure the safety of passengers. Therefore, the Sub-Committee agreed to allow the Licence Holder's Private Hire and Hackney Carriage Vehicles Drivers Licences to continue as the councillors considered the licence holder to be a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976. The 39 warning points associated with the licence would remain on the Licence Holder's licence until they were due to expire.

However, the Sub-Committee issued a formal warning to the Licence Holder and reminded them that the standing of a fit and proper person applied to their conduct at all times. They should adhere to the conditions attached to their licence by communicating with the Licensing Authority and disclosing all relevant information to them throughout the duration they hold a Private Hire and Hackney Carriage Vehicles Drivers Licence.

2007 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A PRIVATE HIRE OPERATORS LICENCE** – The Director: Communities submitted a report advising members of a review of a Hackney Carriage and Private Hire Operators 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.

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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 would like to inform the Licence Holder that the safety of the public was their paramount concern when determining any application.

The councillors were deeply concerned with the number of vehicles held by Licence Holder under their proprietor's licence that, upon inspection by the council's Fleet Services department, were deemed to not be to the standard required under the council's Taxi Licensing Policy. The inspection, in February 2023 and June 2023 identified several breaches of the council's Taxi Licensing Policy, resulting in the Licence Holder being issued with 39 warning points to their licence.

In determining the application, the Licensing (Miscellaneous) Sub-Committee considered all the information contained within the agenda bundle. The councillors also listened carefully to the representation made by the Licensing Authority, the Licence Holder and their Legal Representative at the hearing on the 19 October 2023, including their responses to members questions.

In particular, the Sub-Committee gave particular weight to the fact that the Licence Holder had put sufficient operational procedures in place to prevent vehicles from failing to meet the standard required under the Taxi' Licensing Policy which included weekly vehicles checks at a mechanical garage owned by the Licence Holder and vehicle check forms being completed by the drivers and handed to the Licence Holder.

In addition, the Sub-Committee gave particular consideration and appropriate weight to paragraph 4.46 and 4.49 of the adopted Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire trade produced by the institute of Licensing during their deliberations. Councillors also had due regard to paragraph 5.14 of the statutory taxi and private hire vehicles standard during their deliberations. The Sub-committee were satisfied that the operational procedures put in place provided confidence that the Licence Holder would in future ensure that the conditions of the Licence were adhered to, and all vehicles held under their proprietor's licence would not fall below the required standard in the future.

Therefore, the Sub-Committee agreed to allow the Licence Holder's Private Hire Operators Licence to continue as they considered them to be a fit and proper person under section 55 of the Local Government (Miscellaneous) Provisions Act 1976. However, the Sub-Committee agreed to impose additional conditions to the Licence Holder's Operations Licence:

1. Condition 1 – that the Licence holder shall maintain and keep a record of all weekly Driver's Vehicle Safety Check Sheets provided to them in

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accordance with their driver Handbook and all Mechanical check sheets produced in relation to the vehicles under their proprietor's licence: and

2. Condition 2 – all records obtained in relation to the weekly Driver's vehicle safety check sheets and mechanical sheets shall be made available to an authorised officer of the Licence Authority or Local Authority upon request.

In addition, the Sub-Committee issued a formal warning to the Licence Holder and reminded them that the standing of a fit and proper person applied to their conduct at all times. The Licence Holder should, at all times, adhere to the conditions attached to their licence by communicating with the Licensing Authority and disclosing all relevant information to them throughout the duration they hold a Private Hire and Hackney Carriage Vehicles Drivers Licence. The 39 Warning points associated with the licence would remain on the Licence Holder's licence until they were due to expire.

2008 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES** – The Director: Communities submitted a report advising members of a review of a proprietor of Hackney Carriage and Private Hire Vehicle Licences 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.

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

Resolved – The Licensing (Miscellaneous) Sub-Committee would like to inform the Licence Holder that the safety of the public was their paramount concern when determining any application.

The councillors were deeply concerned with the number of vehicles held by Licence Holder under their proprietor's licence that, upon inspection by the council's Fleet Services department, were deemed to not be to the standard required under the council's Taxi Licensing Policy. The inspection, in February 2023 and June 2023 identified several breaches of the council's Taxi Licensing Policy, resulting in the Licence Holder being issued with 39 warning points to their licence.

In determining the application, the Licensing (Miscellaneous) Sub-Committee considered all the information contained within the agenda bundle. The councillors also listened carefully to the representation made by the Licensing Authority, the Licence Holder and their Legal Representative at the hearing on the 19 October 2023, including their responses to members questions.

In particular, the Sub-Committee gave particular weight to the fact that the Licence Holder had put sufficient operational procedures in place to prevent vehicles from failing to meet the standard required under the Taxi' Licensing Policy which included weekly vehicles checks at a mechanical garage owned by the Licence Holder and vehicle checks forms being completed by the drivers and handed to the Licence Holder.

In addition, the Sub-Committee gave particular consideration and appropriate weight to paragraph 4.54 of the adopted Guidance on determining the suitability of applicants and licensees in the Hackney and Private hire trade produced by the institute of Licensing during their deliberations. Councillors also had due regard to paragraph 5.14 of the statutory taxi and private hire vehicles standard during their deliberations. The Sub-committee were satisfied that the operational procedures put in place provided confidence that the Licence Holder would in the future ensure that the conditions of the Licence were adhered to, and all vehicles held under their proprietor's licence would not fall below the standard in the future.

Consequently, the Sub-Committee agreed to allow the Licence Holder's Hackney Carriage and Private Hire Vehicle Licences to continue as they consider them to be a fit and proper person under section 55 of the Local Government (Miscellaneous) Provisions Act 1976. The 39 Warning points associated with the licence would remain on the Licence Holder's licence until they were due to expire.

In addition, the Sub-Committee issued a formal warning to the Licence Holder and reminded them that the standing of a fit and proper person applied to their conduct at all times. The Licence Holder should, at all times, adhere to

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the conditions attached to their licence by communicating with the Licensing Authority and disclosing all relevant information to them throughout the duration they hold a Private Hire and Hackney Carriage Vehicles Drivers Licence.

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