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NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

21 December 2023

PRESENT: - Councillors K Vickers, P Clark, T Ellerby, J Matthews and C Sherwood.

The meeting was held at the Conference Room, Church Square House.

2032 **SUBSTITUTIONS** – Councillor C Sherwood substituted for Councillor P Clark, Councillor J Matthews substituted for Councillor S Armitage, and Councillor T Ellerby substituted for Councillor H Rayner.

2033 **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).

2034 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 19 OCTOBER 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 19 October 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2035 **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 2036 and 2037 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).

2036 **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 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

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- 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, who made submissions and responded to questions.

Resolved - That after hearing the submissions made by the licence holder, and the Licensing Authority, at the hearing on 21 December 2023, the Licensing (Miscellaneous) Sub-Committee carefully considered the information presented, including their responses to questions, and that contained within the agenda bundle as part of their deliberations.

The sub-committee were deeply concerned that the licence holder had allowed an unlicensed driver to undertake 543 booked journeys. The driver of these journey's had their Private Hire Vehicle Driver's Licence revoked in February 2021 due to allegations of a serious offence. The sub-committee considered the nature of the offence very seriously and the safety of the public was the sub-committee's paramount consideration, in particular the welfare and safeguarding of vulnerable adults and children. The sub-committee expected a standard of behaviour which provided a positive image at all times of the taxi trade in North Lincolnshire.

In addition, the sub-committee were also concerned that a vehicle the licence holder was the proprietor of, was inspected by the council's Fleet Services department and was deemed not to be to the standard required under the council's Hackney Carriage and Private Hire Licensing Policy. As a result of the breaches of the Hackney Carriage and Private Hire Licensing Policy and the licence conditions identified in the inspection in October 2023, the licence holder was issued with 12 warning points.

The sub-committee concluded that they had little confidence that the licence holder understood the actions required of them to comply with the conditions of their licence and the importance of ensuring that all the required checks for drivers were necessary to protect the public. Therefore, the sub-

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committee were of the opinion that the licence holder had failed to take appropriate action to undertake their responsibilities, and considered this to be unacceptable behaviour of a licence holder who is entrusted by the public to transport them safely, and for the licence holder to be a trustworthy suitable person.

The sub-committee gave great consideration and particular weight to paragraph 4.48 of the adopted 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' produced by the Institute of Licensing, and Table 9 at paragraph 7 of Appendix E (Guidance to Members – Applications and Reviews of Private Hire Operators Licences) of the Hackney Carriage and Private Hire Licensing Policy during their deliberations. Consequently, the sub-committee unanimously agreed to revoke the Private Hire Operators Licence as the sub-committee did not consider the licence holder to be a fit and proper person in accordance with section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

2037 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES** – The Director: Communities submitted a report advising members of a review of all Hackney Carriage and Private Hire Vehicle Licences held by a proprietor 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 holder's licences
- To suspend the licence holder's licences for a set period of time
- To revoke the licence holder's licences

Should the sub-committee revoke the licences 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, who made submissions and responded to questions.

Resolved - That after hearing the submissions made by the licence holder, and the Licensing Authority, at the hearing on 21 December 2023, the Licensing (Miscellaneous) Sub-Committee carefully considered the information presented, including their responses to questions, and that contained within the agenda bundle as part of their deliberations.

The sub-committee were concerned that a vehicle the licence holder was the proprietor of, was inspected by the council's Fleet Services department and was deemed not to be to the standard required under the council's Hackney Carriage and Private Hire Licensing Policy. As a result of the breaches of the Hackney Carriage and Private Hire Licensing Policy and the licence conditions identified in the inspection in October 2023, the licence holder was issued with 12 warning points. The safety of the public is the sub-committee's paramount concern when determining any Hackney Carriage or Private Hire application. In particular, the sub-committee would always ensure that proprietors of Hackney Carriage and Private Hire Vehicles maintained their fleet to the acceptable standard as set out in the council's Hackney Carriage and Private Hire Licensing Policy at all times.

The sub-committee were also deeply concerned that the licence holder had allowed an unlicensed driver to undertake 543 booked journeys. The driver of these journeys had their Private Hire Vehicle Driver's Licence revoked in February 2021 due to allegations of a serious offence. The sub-committee considered the nature of the offence very seriously and the safety of the public was the sub-committee's paramount consideration, in particular the welfare and safeguarding of vulnerable adults and children. The sub-committee expected a standard of behaviour which provided a positive image at all times of the taxi trade in North Lincolnshire.

The sub-committee also considered the licence holder's disregard as to the poor condition of their vehicle and to the offences of allowing an unlicensed driver to undertake journeys to be unacceptable behaviour of a licence holder, who is entrusted by the public to transport them safely, and for the licence holder to be a trustworthy suitable person. Therefore, the sub-committee concluded that they had little confidence that the licence holder understood the actions required of them to comply with the conditions of their licence.

The sub-committee gave great consideration and particular weight to paragraph 3.45, 3.47 and 4.51 of the adopted 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' produced by the Institute of Licensing during their deliberations. Consequently, the sub-committee unanimously agreed to revoke the licence holder's Hackney Carriage and Private Hire Vehicle Licences as the sub-committee did not consider the licence holder to be a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

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