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NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

21 March 2024

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

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

2053 **SUBSTITUTIONS** – There were no substitutions at the meeting.

2054 **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.

2055 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 29 FEBRUARY 2024 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 29 February 2024, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2056 **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 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

2057 **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.

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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 - "That after hearing the submissions made by the licence holder, their legal representative, and the Licensing Authority at the hearing on the 21 March 2024, 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 with the number of vehicles held by the licence holder under their proprietor's licence that, upon inspection by the council's Licensing Officer's and Fleet Services Department, were deemed to not be to the standard required under the council's Hackney Carriage and Private Hire Licensing Policy. In addition, they were also concerned that the licence holder had failed to notify the council's Licensing Authority of their vehicles being involved in accidents on two occasions, and that the licence holder's booking records were not compliant with the council's Hackney Carriage and Private Hire Licensing Policy and mandatory conditions. As a result of the breaches of the Hackney Carriage and Private Hire Licensing Policy and conditions attached to their licence identified during July 2022 and February 2024, the licence holder had been issued with 50 warning points to their licence.

The sub-committee gave particular weight to the fact that the licence holder had put sufficient operational procedures in place to prevent vehicles from

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failing to meet the standard required under the Hackney Carriage and Private Hire Licensing Policy, which included the drivers undertaking and completing daily vehicle check sheets which were to be handed to the licence holder, all vehicles being serviced every 3 months at a mechanical garage owned by the licence holder, and that a new booking system had been installed and was in operation.

Furthermore, the sub-committee gave great consideration and particular weight to paragraphs 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, and paragraph 5.14 of the statutory taxi and private hire vehicle standards. 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.

Therefore, the sub-committee agreed to allow the licence holder's Private Hire Operators Licence to continue, as they considered the licence holder 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 Private Hire Operators Licence:

1. Condition 1 – that the licence holder shall maintain a record of all daily Driver's Vehicle Safety Check Sheets and all service records produced in relation to the vehicles under their proprietor's licence; and
2. Condition 2 – the licence holder shall maintain a record of all Mechanical Check Sheets for all vehicles which are checked once a month in accordance with the condition attached to their proprietors' licence; and
3. Condition 3 – all records obtained in relation to the daily Driver's Vehicle Safety Check Sheets, Mechanical Check Sheets and service records shall be made available to an authorised officer of the Licensing Authority or Local Authority upon request; and
4. Condition 4 – within 14 days of the date on which this decision is sent to the licence holder, the licence holder must update their booking records to the standard required as set out in the conditions attached to their licence and shall make the records available to an authorised officer of the Licensing Authority or Local Authority for inspection.

The 50 warning points associated with their licence would remain on the licence holder's licence until they were due to expire.

In conclusion, the sub-committee issued the licence holder with a formal

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warning in respect of their conduct and reminded them that the standing of a fit and proper person always applied to their conduct. The sub-committee informed the licence holder that the safety of the public was their paramount concern when determining any review, they 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 Hackney Carriage and Private Hire Licensing Policy at all times.

2058 **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 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 submissions made by the licence holder, their legal representative, and the Licensing Authority at the hearing on the 21 March 2024, the Licensing (Miscellaneous) Sub-Committee carefully considered the information presented, including their responses to questions,

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and that contained within the agenda bundle as part of their deliberations.

The sub-committee were deeply concerned with the number of vehicles held by the licence holder under their proprietors licence that, upon inspection by the council's Licensing Officer's and Fleet Services Department, were deemed to not be to the standard required under the council's Hackney Carriage and Private Hire Licensing Policy. In addition, they were also concerned that the licence holder had failed to notify the council's Licensing Authority of their vehicles being involved in accidents on two occasions, and that a complaint had been received by a member of the public. As a result of the breaches of the Hackney Carriage and Private Hire Licensing Policy and conditions attached to their licence identified during July 2022 and February 2024, the licence holder had been issued with 50 warning points to their licence.

The sub-committee considered the facts of the complaint made regarding an incident with a vulnerable wheelchair passenger and the measures that the licence holder had put in place to prevent such situation happening again.

The sub-committee also gave great consideration and particular weight to paragraphs 4.25 and 4.26 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, and paragraph 5.14 of the statutory taxi and private hire vehicle standards during their deliberations. The sub-committee were satisfied that the licence holder could undertake their duties as a Hackney Carriage and Private Hire Vehicle Driver, to ensure the safety of passengers. Therefore, the sub-committee agreed to allow the licence holder's Hackney Carriage and Private Hire Vehicle Drivers Licence to continue, as the sub-committee 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 50 warning points associated with these licences would remain on the licence holder's licence until they were due to expire.

In conclusion, the sub-committee issued the licence holder with a formal warning in respect of their conduct and reminded them that the standing of a fit and proper person always applied to their conduct. The sub-committee informed the licence holder that the safety of the public was their paramount concern when determining any review, 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, the Hackney Carriage and Private Hire Licensing Policy, and the Byelaws at all times.

- 2059 **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 a proprietor of Hackney Carriage and Private Hire Vehicle Licences to be determined by the sub-committee.

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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 – That after hearing the submissions made by the licence holder, their legal representative, and the Licensing Authority at the hearing on the 21 March 2024, 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 with the number of vehicles held by the licence holder under their proprietors licence that, upon inspection by the council's Licensing Officer's and Fleet Services Department, were deemed to not be to the standard required under the council's Hackney Carriage and Private Hire Licensing Policy. In addition, they were also concerned that the licence holder had failed to notify the council's Licensing Authority of their vehicles being involved in accidents on two occasions. As a result of the breaches of the Hackney Carriage and Private Hire Licensing Policy and conditions attached to their licence identified during July 2022 and February 2024, the licence holder had been issued with 50 warning points to their licence.

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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 Hackney Carriage and Private Hire Licensing Policy, which included the drivers undertaking and completing Daily Vehicles Check Sheets which were to be handed to the licence holder, and all vehicles being serviced every 3 months at a mechanical garage owned by the licence holder.

Furthermore, the sub-committee gave great consideration and particular 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, and paragraph 5.14 of the statutory taxi and private hire vehicle standards 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.

Therefore, the sub-committee agreed to allow the licence holder's Hackney Carriage and Private Hire Vehicle Licences to continue, as they considered the licence holder 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 Hackney Carriage and Private Hire Vehicle Licences:

1. Condition 1 – that a mechanical check is undertaken on all vehicles once a month and that all Mechanical Check Sheets are maintained, recorded and shall be made available to an authorised officer of the Licensing Authority or Local Authority upon request.

The 50 warning points associated with their licence would remain on the licence holder's licence until they were due to expire.

In conclusion, 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 sub-committee informed the licence holder that the safety of the public was their paramount concern when determining any review. In particular, the sub-committee would always ensure that both Hackney Carriage and Private Hire Vehicles were maintained to the acceptable standard in accordance with the councils Hackney Carriage and Private Hire Licensing Policy, and that licence holders 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 of their Hackney Carriage and Private Hire Vehicle Licences.

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