

NORTH LINCOLNSHIRE COUNCIL
LICENSING (MISCELLANEOUS) SUB-COMMITTEE

19 September 2024

PRESENT: - Councillor K Vickers (Chairman)

Councillors P Vickers (Vice-Chair), P Clark, T Ellerby and J Matthews

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

- 2116 **SUBSTITUTIONS** - Councillor J Matthews substituted for Councillor S Armitage.
- 2117 **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, Personal, Personal or Prejudicial Interests or significant contact with Applicants, Objectors or Third Parties.
- 2118 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 18 JULY 2024 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN - Resolved** – That the minutes of the meeting held 18 July 2024, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.
- 2119 **EXCLUSIONS OF PRESS AND PUBLIC - Resolved** – That the public be excluded from the meeting for consideration of the following items (Minute 2120) on the grounds that they involved the likely discourse of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).
- 2120 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER'S 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.

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- 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 been previously circulated to members.

The Licensing Authority presented the reason for the application being considered by the sub-committee.

The applicant attended the hearing, made submissions and responded to questions.

Resolved – That after hearing the representations made by the applicant and the Licensing Authority at the hearing on 19 September 2024, the Licensing (Miscellaneous) Sub-Committee agreed to grant the applicant a Private Hire Vehicle 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.

In determining the application, the sub-committee considered the circumstances under which the penalty points were awarded to the Applicant's DVLA Driving Licence between October 2020 and November 2020, which had now expired. The councillors acknowledged that the applicant had declared all the convictions on their application form, spoke in detail at the hearing on the circumstances that led to the convictions and showed genuine remorse for their actions.

When determining such applications, the sub-committee gave due consideration to Table 4 of Appendix C (Guidance to members on applications for Hackney Carriage and Private Hire Vehicle Drivers Licence) of North Lincolnshire's Taxi Licensing Policy. However, based on the circumstances of this case and 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 for a period of twelve months as the councillors were satisfied that the applicant was a fit a proper person in accordance with section 51 of the Local Government (Miscellaneous) Provisions Act 1976. The sub-committee agreed that should no further offences be committed during the twelve-month period of their Licence the determination of any renewal could be dealt with by the Licensing Authority in accordance with North Lincolnshire Council's Licensing Policy.

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The sub-committee reminded 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 all licence holders to adhere to the conditions attached to their licence, the Taxi Licence Policy and the Bylaws at all times.