

NORTH LINCOLNSHIRE COUNCIL
LICENSING (MISCELLANEOUS) SUB-COMMITTEE

21 November 2024

PRESENT:

T Ellerby, K Vickers (Chairman), P Vickers (Vice-Chair), P Clark and H Rayner

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

2121 SUBSTITUTIONS

Councillor H Rayner substituted for Councillor S Armitage.

2122 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.

2123 TO TAKE THE MINUTES OF THE MEETINGS HELD ON 19 SEPTEMBER 2024 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN.

Resolved – That the minutes of the meeting held 19 September 2024, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2124 ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES THAT MUST BE SPECIFIED.

There were no other items identified.

2125 EXCLUSIONS OF THE PRESS AND PUBLIC

Resolved – That the public be excluded from the meeting for consideration of the following items (minutes 2126 and 2127) on the grounds that they involved the likely discourse of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 21A of the Local Government Act 1972 (as amended).

2126 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A PRIVATE HIRE VEHICLE DRIVER'S 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.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
21 November 2024

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 request at meetings of the sub-committee had previously been circulated to members.

The licence holder, their representatives and the Licensing Authority attended the meeting, made submissions and responded to members questions.

Resolved – 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 and the Licence Holder’s representation on the 21 November 2024, including their responses to their questions. The Licensing (Miscellaneous) Sub-Committee gave particular consideration to, the honesty of the Licence Holder at the hearing and had felt that the Licence Holder does now fully understand the importance of adhering to the conditions attached to their Hackney Carriage and Private Hire Vehicle Drivers Licences and had confidence that in the future they would continue to adhere to the conditions and notify the Licencing Authority of any changes to his medical or DVLA License in the future.

The Sub-Committee also gave great consideration and particular weight to paragraph 4.25 and 4.26 of the adopted Guidance on determining the suitability of applicants and licenses 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 Holders’ Hackney Carriage and Private Hire Vehicle Licences to continue as the Sub-Committee consider the Licence Holder to be a fit and proper person

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
21 November 2024

in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976. The 24 warning points associated with these licences would remain on the Licence Holder's licences until they were due to expire.

The Sub-Committee did however issue 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 applies to their conduct. The Licensing (Miscellaneous) Sub-Committee expect a standard of behaviour which provides a positive image of the taxi trade in North Lincolnshire and expect all licence holders to adhere to the conditions attached to their licence, the Taxi Licence Policy and the Byelaws at all times.

2127 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

The Director: Communities submitted a report advising members of a review of a 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 request at meetings of the Sub-Committee had previously been circulated to members.

The licence holder, their representative and the Licensing Authority attended the meeting, made submissions and responded to members questions.

Resolved – The Sub-Committee listened carefully to the representations made by the Licensing Authority and the Licence Holder at the hearing on 21 November 2024.

The Sub-Committee considered the circumstances under which the penalty points were awarded to the Licence Holder's DVLA driving licence between

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
21 November 2024

June 2023 and September 2024. The councillors gave particular weight to the fact that two of the convictions were not declared. However, they acknowledged and considered the detail put forward by the Licence Holder at the hearing on the circumstances that led to the convictions and showed genuine remorse for their actions.

The Sub-Committee, as part of their deliberations considered 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 circumstance of this case, the Sub-Committee used their discretion to deviate from the policy on this occasion.

Therefore, the Sub-Committee agreed to allow the Licence Holder's Private Hire Vehicle Drivers Licence to continue as the councillors were satisfied that the applicant was a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976. The 15 warning points associated with this licence would remain on the Licence Holder's licence until they were due to expire and that if the Licence Holder had not committed any further offence from the date of the hearing up and till the date that their Licence is due to be renewed then the renewal of their Private Hire Vehicle Drivers Licence can be dealt with in accordance with the Council's Taxi Licensing Policy and does not need to be determined by the Sub-Committee.

The Sub-Committee reminded the Licence Holder 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 Byelaws at all times.