

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

3 December 2020

PRESENT: - Councillor K Vickers in the Chair.

Councillors Armitage, Clark, Rayner and Wells.

The sub-committee met at Church Square House, Scunthorpe.

1720 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS, PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) –**

Member
Councillor Armitage

Nature of Interest
Personal Licence Holder

No lobbying was declared.

1721 **MINUTES – Resolved** – That the minutes of the meeting held on 5 March 2020, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1722 **EXCLUSION OF THE PUBLIC - Resolved** - That the public be excluded from the meeting for consideration of the following items (Minutes 1723 and 1724 refer) on the grounds that it 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).

1723 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – TOWN POLICE CLAUSES ACT 1847 – APPLICATION TO RENEW A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Operations submitted a report advising members of an application for the renewal 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:

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- 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 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 Director: Governance and Partnerships notified the members that the licence holder had informed the Licensing Authority that their legal representative was unable to attend the hearing on this particular date and respectfully requested the item be deferred.

Resolved – That as the licence holder’s legal representative was unable to attend the hearing, the sub-committee agreed to defer consideration of this review to allow another opportunity for the licence holder and his representative to attend.

1724 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – REVIEW OF A PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Operations 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.

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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 he was 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 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 yourself at the hearing on 3 December 2020. The sub-committee were concerned with the recent pattern of behaviour displayed by yourself. In particular, the fact that 19 warning points had been allocated to your Private Hire Vehicle Driver’s Licence within the last two months. In addition to the existing points, the sub-committee were also concerned that you failed to declare to the Licensing Authority two speeding offences (SP30) at the time they occurred in November 2019 and May 2020. The Licensing Authority were only made aware of these offences when you applied to renew your Vehicle Licence in July 2020.

However, the members gave great consideration to the submission you made at the hearing, in particular:

1. That you had now removed all unauthorised advertising material from your private hire vehicle.
2. That you openly confessed to smoking within the vehicle and accepted the 9 penalty points which had been awarded to your Licence.
3. That you acknowledged you were yet to have paid the amount outstanding on the Fixed Penalty Notice that was issued by the Council in respect of smoking in a vehicle. However, you gave an assurance that you would, after the hearing, seek to pay the outstanding amount on the Fixed Penalty Notice as a matter of urgency, and
4. That, after the hearing, you would seek to remove the alleged illegal licence plates from your private hire vehicle and replace them with new or the original licence plates.

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Therefore, the sub-committee agreed to allow your Private Hire Drivers Licence to continue as they considered the Licence Holder to be a fit and proper person under section 51 the Local Government (Miscellaneous Provisions) Act 1976.

However, the sub-committee did agree to impose a condition on your licence that it only be allowed to continue for a period of 12 months from the date of this decision. After the 12 months you would be able to apply for a five-year licence in accordance with the council's Taxi Licensing Policy. The 19 Warning Points would remain on your Private Hire Drivers Licence until they expired.

The sub-committee would also like to remind you that breaches of licensing conditions and traffic offences were considered seriously by the councilors. The safety of the public was the sub-committee's paramount consideration. The sub-committee expected a standard of behavior which provided a positive image of the private hire trade in North Lincolnshire and anticipated that you adhere to this as well as the council's Taxi Licensing Policy and relevant Bylaws at all times.