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## NORTH LINCOLNSHIRE COUNCIL

### LICENSING (MISCELLANEOUS) SUB-COMMITTEE

14 January 2021

**PRESENT:** - Councillors K Vickers in the chair.

Councillors P Vickers (Vice-Chair), S Armitage, P Clark and H Rayner

This was a Microsoft Teams Virtual Online meeting.

1729 **SUBSTITUTIONS** - There were no substitutions at the meeting.

1730 **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.

1731 **EXCLUSION OF PRESS AND PUBLIC - Resolved** - That the public be excluded from the meeting for consideration of the following items (Minutes 1732, 1733 and 1734 refer) on the grounds that it 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).

1732 **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:

- To grant the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.

**LICENSING (MISCELLANEOUS) SUB-COMMITTEE**  
**14 January 2021**

- 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 licence holder and his legal representative attended the hearing, made submissions and responded to questions.

**Resolved** – That the Licensing (Miscellaneous) Sub-Committee considered the information presented to it and heard verbal representations from the Licence Holder and his Legal Advisor. The Sub-Committee was disappointed with the behaviour that had been displayed by the Licence Holder and would remind the Licence Holder in the strongest possible terms that he must always comply with the Licensing legislation and the Authority's Licensing Policy. The Sub-Committee expected the highest standards of conduct and behaviour and the Licence Holder was reminded of this.

After considering the mitigating factors presented today by the Licence Holder and his Legal Advisor, the Sub-Committee had, on this occasion, decided to grant the renewal of the Licence for 1 year. The Sub-Committee expected that the Licence Holder would conduct himself in a proper manner and that he would ensure he complied with all requirements of the Authority's Licensing Policy at all times".

1733 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO RENEW A PRIVATE HIRE VEHICLE DRIVERS LICENCE** - The Director: Operations submitted a report advising members of an application for the renewal 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 grant the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.

**LICENSING (MISCELLANEOUS) SUB-COMMITTEE**  
**14 January 2021**

- 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 licence holder attended with a work place colleague, who made submissions and responded to questions.

**Resolved** – That the Licensing (Miscellaneous) Sub-Committee had considered all the information presented before it, and heard verbal representations made by the Licence Holder and his employer. The decision of the Sub-Committee was to renew the licence for a period of 1 year on this occasion as the Sub-Committee considered the Licence Holder to be a fit and proper person under section 51 of the Local Government (Miscellaneous) Provisions Act 1976. However, the points incurred under the Local Authority's Warning Points Scheme were still applicable. The Licence Holder was also required to undertake an annual medical examination”.

1734 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO RENEW A PRIVATE HIRE VEHICLE DRIVERS LICENCE** - The Director: Operations submitted a report advising members of an application for the renewal 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 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.

**LICENSING (MISCELLANEOUS) SUB-COMMITTEE**  
**14 January 2021**

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 licence holder attended the hearing, who made submissions and responded to questions.

**Resolved** – That the Licensing (Miscellaneous) Sub-Committee had considered all the information presented before it, and listened to the verbal representations made by the Licence Holder. The decision of the Sub-Committee was to grant the licence for a period of 1 year on this occasion as the Licence Holder was considered to be a fit and proper person under section 51 the Local Government (Miscellaneous Provisions) Act 1976. However, the points incurred under the Local Authority's Warning Points Scheme were still applicable. The Sub-Committee considered speeding offences to be very serious and the safety and protection of the public was its paramount concern. Therefore, the Licence Holder was reminded of the high standard of behaviour expected to be displayed by Licence Holders within North Lincolnshire.