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## NORTH LINCOLNSHIRE COUNCIL

### LICENSING (MISCELLANEOUS) SUB-COMMITTEE

4 March 2021

**PRESENT:** - Councillor K Vickers (Chairman).

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

This was a Microsoft Teams Virtual Online meeting.

1737 **SUBSTITUTIONS** - There were no substitutions at the meeting.

1738 **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.

1739 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 3 DECEMBER 2020 AND 14 JANUARY 2021 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN - Resolved** – That the minutes of the meetings held on 3 December 2020 and 14 January 2021, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1740 **EXCLUSION OF PRESS AND PUBLIC** - That the public be excluded from the meeting for consideration of the following items (Minute 1741 refers) 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).

1741 **REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE** - The Director: Operations 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

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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 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 after hearing the representations made by yourself, and the Licensing Authority at the hearing on the 4 March 2021, the Licensing (Miscellaneous) Sub-Committee considered the nature of the complaints made against you to be of a very serious nature and gave particular weight to the accumulation of complaints over a period of time as part of their deliberations.

The Sub-Committee were greatly concerned that three separate complaints had been made against you by members of the public over a 3-year period. The Sub-Committee was also greatly concerned to learn of your disregard for process and procedure with regards to you smoking in a public place, taking a passenger in a private hire vehicle that had not been pre-booked by the hirer and the operator and your failure, on two separate occasions to declare SP30 speeding convictions. These numerous incidents identified, in the Sub-Committees opinion, a pattern of poor behaviour towards council policy, members of the public and fellow road users. This pattern of poor behaviour raised serious concerns of your suitability to hold a hackney carriage and private hire vehicles drivers licence. The Sub-Committee were also disappointed that when questioned at the hearing about your behaviour raised in the complaints you showed no understanding as to the consequences of your actions or offered little mitigation as to why you behaved as you did.

The Sub-Committee consider the allegations made against you to be of a very serious nature and they consider the safety of the public, particularly the welfare and safeguarding of vulnerable children, to be its paramount consideration. The Sub-Committee expect a standard of behaviour which

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provides a positive image at all times of the taxi trade in North Lincolnshire.

Hackney Carriage and Private Hire Vehicle drivers are directly responsible for the safety of the public and the Licensing (Miscellaneous) Sub-Committee expect you to adhere to the requirements of the council's Taxi Licensing Policy, including the safeguarding of the public, and the conditions attached to a Hackney Carriage and Private Hire Vehicles Drivers License at all times.

After careful consideration of all the information presented at the hearing, as well as the statement you submitted with the agenda bundle and after reflecting on the content of paragraph 5.14 of the Statutory Taxi and Private Hire Vehicles Standards, the Sub-Committee unanimously agreed that they were not satisfied that you are a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous) Provisions Act 1976 to hold a Hackney Carriage and Private Hire Vehicle Drivers Licence. The councillors had little confidence that you understood the requirements of the standing of a taxi driver, therefore, in accordance with s61 (1)(b) of the Local Government (Miscellaneous) Provisions Act 1976, the Sub-Committee hereby revoke your Hackney Carriage and Private Hire Vehicles Drivers Licences.

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