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## NORTH LINCOLNSHIRE COUNCIL

### LICENSING (MISCELLANEOUS) SUB-COMMITTEE

16 August 2021

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

Councillors P Clark, H Rayner, C Sherwood and S Swift

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

1766 **SUBSTITUTIONS** - Councillor C Sherwood substituted for Councillor P Vickers and Councillor S Swift substituted for Councillor T Ellerby.

1767 **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 and Personal or Personal and Prejudicial Interests, and significant contact with Applicants, Objectors or Third Parties.

No lobbying was declared.

1768 **EXCLUSION OF PRESS AND PUBLIC - Resolved** - That the public be excluded from the meeting for consideration of the following items (Minutes 1760 and 1761 refer) on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

1769 **LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS) ACT 1976 - REVIEW OF A PRIVATE HIRE OPERATORS LICENCE** - The Director: Operations submitted a report advising members of an application for the review of a Private Hire Operators 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 revoke a licence.

The options available to the sub-committee when considering the application were:

- To take no action.
- To warn the licence holder regarding his future conduct.
- To add additional conditions to the licence holders Vehicle Licences.
- To suspend the licence holders Licences.
- To revoke the licence holders Licences.

Should the sub-committee revoke the licence or impose additional terms,

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

The licence holder had not responded to letter correspondence from the Director: Governance and Partnerships. Due to the serious nature of the allegations against the operator, the sub-committee unanimously agreed to hear the review application in the licence holders absence.

**Resolved** - "That after reading the evidence contained within the meeting agenda documentation, and after hearing the representation made by the Licensing Authority at the hearing on 16 August 2021, the Licensing (Miscellaneous) Sub-Committee unanimously agreed to revoke the Private Hire Operator's licence.

In accordance with section 62(1)(d) of the Local Government (Miscellaneous Provisions) Act 1976 the licence was revoked on the grounds of any other reasonable cause. The Sub-Committee heard that the Operator had failed to provide information to the Licensing Authority in a timely manner as requested, including failing to provide booking records when requested. The Sub-Committee also heard how the Council had received a complaint in relation to an unlicensed vehicle being used by the Private Hire Operator which was of grave concern to the Sub-Committee.

The Sub-Committee also heard how the Operator had failed to cooperate with the local authority and has failed to return drivers badges and plates as required. The Sub-committee were also deeply concerned about the information provided by the Licensing Authority concerning the Operator's conduct.

The safety of the public was and would always be the Sub-Committee's paramount concern. It was imperative that all Operators of private hire companies comply with the Council's Licensing Policies and rules and procedure".

The licence holder may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

1770 **LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT 1976 - REVIEW OF A PRIVATE HIRE VEHICLE DRIVERS LICENCE** - The Director: Operations submitted a report advising members of an application for the 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

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such applications, 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 the application were:

- To revoke the licence.
- To add additional conditions or restrictions to the licence.
- To take no action.

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

The licence holder had given prior notice that he was not attending the hearing and that the review could be heard in his absence.

**Resolved** - That after reading the evidence contained within the meeting agenda documentation, and after hearing the representation made by the Licensing Authority at the hearing on 16 August 2021, the Licensing (Miscellaneous) Sub-Committee unanimously agreed to take no further action in relation to this matter.

The Licensing (Miscellaneous) Sub-Committee were disappointed to hear, in the licence holders correspondence to the Licensing Unit on 13 August 2021, that he felt he could not attend the hearing as he had been told the licence would be withdrawn. The councillors on the sub-committee wanted to reassure the licence holder that they consider all applications presented before it in an independent, fair and open minded way and that all decisions it makes were based on evidence. The Sub-Committee would always encourage parties to attend where possible and present their case.

The licence holder may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

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