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NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

23 September 2021

PRESENT: - Councillor K Vickers (Chairman)

Councillors P Vickers (Vice-Chair), P Clark, H Rayner and C O'Sullivan

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

1779 **SUBSTITUTIONS** - Councillor C O'Sullivan substituted for Councillor T Ellerby.

1780 **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.

No lobbying was declared.

1781 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 4 MARCH AND 16 AUGUST 2021 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN - Resolved** – That the minutes of the meeting held on 4 March and 16 August 2021, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1782 **ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES THAT MUST BE SPECIFIED - Resolved** – That the public be excluded from the meeting for consideration of the following item (Minutes 1783, 1784, and 1785 refer) on the grounds that it involves 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).

1783 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER'S LICENCE** - The Director: Operations submitted a report advising members of an application for the grant 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 applications, the information to be taken into account and the circumstances in which the sub-committee could refuse a licence.

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

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
23 September 2021

- 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 refuse the application or impose additional terms, conditions or restrictions then the applicant 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 applicant 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 applicant attended the meeting and was accompanied by their potential employer. The applicant made submissions and responded to questions.

Resolved – That the Licensing (Miscellaneous) Sub-Committee carefully considered all the representations submitted at the hearing and had given particular weight to the applicant's medical certificate, which stated that the applicant was fit to act as a driver of a private hire vehicle. The sub-committee therefore agreed to grant the licence application in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976, as they considered the applicant to be a fit and proper person to hold such a licence. However, the sub-committee agreed to impose a condition on the licence that the applicant submits a medical certificate annually to the Licensing Authority without delay.

1784 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A PRIVATE HIRE VEHICLE DRIVER'S 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 or add conditions of obtaining a licence.
- To suspend the licence for a set period of time.
- To revoke the licence.

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
23 September 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 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 carefully considered all the representations submitted at the hearing and would like to remind the licence holder of the need to update the Licensing Authority as soon as there is a change to their medical condition. The sub-committee expected a standard of behaviour, which provided a positive image of the taxi trade in North Lincolnshire. Hackney Carriage and Private Hire Vehicle Drivers are directly responsible for the safety of the public, the sub-committee expected the licence holder to adhere to the conditions of their licence, and the requirements of the Council's Taxi Licensing Policy at all times.

As a result of the licence holder's failure to notify the Licensing Authority on two occasions, within a 2 year period, of changes to their medical condition, the licence holder had in total 24 warning points on their Private Hire Vehicle Drivers Licence. However, after taking into consideration the information presented at the hearing, the sub-committee agreed to allow the licence holders Private Hire Vehicle Drivers Licence to continue, as they considered the licence holder to be a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

Furthermore, the sub-committee agreed to impose a condition on the licence that the licence holder submits a medical certificate annually to the Licensing Authority without delay.

1785 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE** - The Director: Operations submitted a report advising members of an application for the 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

LICENSING (MISCELLANEOUS) SUB-COMMITTEE
23 September 2021

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 future conduct.
- To add additional conditions to the licence or add conditions of obtaining a licence.
- To require the licence holder to undertake a Taxi Driver Standards Test.
- 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 requests at meetings of the sub-committee had previously been circulated to members.

The licence holder attended the meeting who made submissions and responded to questions.

Resolved – That the Licensing (Miscellaneous) Sub-Committee carefully considered all the representations submitted at the hearing. Traffic offences are considered seriously by the members of the sub-committee and the safety of the public is their paramount concern.

The sub-committee would like to remind the licence holder that the standing of a fit and proper person applies to their conduct at all times. They expect a standard of behaviour which provides a positive image of the taxi trade in North Lincolnshire and anticipate that the licence holder adheres to this as well as the Council's Taxi Licensing Policy and relevant Byelaws at all times.

However, the sub-committee were satisfied that the licence holder had demonstrated an understanding of the importance of ensuring the safety of the public at all times, and provided the sub-committee with confidence that they had learnt from this mistake and would take necessary measures to ensure that this offence would not occur in the future. Therefore, the sub-committee agreed to allow the licence holders Hackney Carriage and Private Hire Vehicle Drivers Licence to continue, as they considered the licence holder to be a fit and proper person in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.