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NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

11 November 2021

PRESENT: - K Vickers (Chairman)

P Vickers (Vice-Chair), T Ellerby, H Rayner and C Sherwood

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

1786 **SUBSTITUTIONS** – Councillor C Sherwood substituted for Councillor P Clark.

1787 **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.

1788 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 23 SEPTEMBER 2021 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 23 September 2021, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1789 **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 1790, 1791, and 1792 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).

1790 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF A RESTRICTED 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:

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- 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.

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 with their employer, who made submissions and responded to questions.

Resolved – That after careful consideration by the Licensing (Miscellaneous Sub-Committee of all representations submitted by the licence holder, the representative and the Licensing Authority, including responses to questions, the sub-committee agreed to take no further action and allowed the Private Hire Vehicle Drivers Licence to continue, as they considered the licence holder to be a fit and proper person under section 51 of the Local Government (Miscellaneous Provisions) Act 1976. The licence holder had in total 24 warning points on their Private Hire Vehicle Drivers Licence which would remain on the licence until they expire.

The sub-committee did however, remind the licence holder of the need to inform 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. Private Hire Vehicle Drivers are directly responsible for the safety of the public and, as such the sub-committee expected the licence holder to adhere to conditions of their licence, and the requirements of the Council's Taxi Licensing Policy at all times.

1791 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - RENEWAL OF THE 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 applications, the information to be taken into account and the

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circumstances in which the sub-committee could refuse a licence.

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

- To renew the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.
- To renew the licence subject to additional conditions or restrictions.
- To refuse to renew 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 legal representation, who made submissions and responded to questions.

Resolved – That after careful consideration by the Licensing (Miscellaneous) Sub-Committee of all representations submitted by the licence holder, his legal representative and the Licensing Authority, including responses to questions, the sub-committee agreed to renew the licence holders Private Hire Vehicle Driver's Licence for one year, as they considered the licence holder to be a fit and proper person under section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

After the 12 months you would be able to apply for a three-year licence in accordance with the council's Taxi Licensing Policy.

However, the sub-committee note that the licence holder had now appeared before the sub-committee on two separate occasions in a twelve month period. Breaches of licensing conditions were considered seriously by the councillors. The sub-committee expected a standard of behaviour which provided a positive image of the private hire trade in North Lincolnshire and expected that the licence holder adhere to this as well as the council's Taxi Licensing Policy at all times.

1792 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - TOWN POLICE CLAUSES ACT 1847 - 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.

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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.

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, accompanied by a friend, who made submissions and responded to questions.

Resolved – The Licensing (Miscellaneous) Sub-Committee carefully considered all of the representations submitted by the licence holder, his representative and the Licensing Authority, including responses to questions.

The sub-committee was concerned to hear of numerous driving related incidents, including two speeding offences and an accident which, by the licence holders own admission, was speed related. Consequently, the licence holder had endorsements on his licence relating to two speeding offences which occurred in 2019.

The sub-committee was gravely concerned to hear of the incident concerning the transportation of a child to an incorrect address. This raised serious safeguarding concerns for the sub-committee. The safety of the public and particularly the protection of children from harm were paramount concerns for the sub-committee.

The sub-committee was also disappointed to hear that the licence holder had failed to report many of the incidents to the Licensing Authority, which was

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contrary to the council's Taxi Licensing Policy.

Consequently, the sub committee unanimously agreed to revoke the licence holders Hackney Carriage and Private Hire Vehicle Drivers Licence as the sub-committee did not consider the licence holder to be a fit and proper person under Section 61 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976. Due to the seriousness of the review application, the revocation was with immediate effect in accordance with section 61 (2)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety.

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