

**Present:** Councillor Loraine Woolley (*in the Chair*),  
Councillor Biff Bean, Councillor Alan Briggs, Councillor  
Liz Bushell, Councillor David Clarkson, Councillor  
Clare Smalley, Councillor Calum Watt and Councillor  
Pat Vaughan

**Apologies for Absence:** Councillor Bill Bilton, Councillor Matthew Fido, Councillor  
Jane Loffhagen and Councillor Adrianna McNulty

**1. Confirmation of Minutes - 20 January 2021**

RESOLVED that the minutes of the meeting held on 20 January 2021 be confirmed and signed by the Chair as an accurate record.

**2. Declarations of Interest**

No declarations of interest were received.

**3. Hackney Carriage and Private Hire minutes of previous meeting/s**  
**(a) 25 February 2021**

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee held on 25 February 2021 be confirmed.

**(b) 29 July 2021**

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee held on 29 July 2021 be confirmed.

**(c) 2 September 2021**

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee held on 2 September 2021 be confirmed.

**(d) 29 September 2021**

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee held on 29 September 2021 be confirmed.

**(e) 7 October 2021**

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee held on 7 October 2021 be confirmed.

**(f) 28 October 2021**

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee held on 28 October 2021 be confirmed.

#### 4. **Gambling Act 2005 Triennial Review of Statement of Licensing Policy**

Francesca Bell, PPASB and Licensing Service Manager

- a) presented a report to update Licensing Committee on the result of the consultation on the Gambling Act 2005 Triennial Review of the Statement of Licensing Policy, under the Gambling Act 2005.
- b) explained the background to the consultation process covering the following main points:
  - The Gambling Act 2005 required a Licensing Authority to publish its statement of Licensing Policy at least every three years; the current statement was due to expire on 31 January 2022.
  - The draft policy, as detailed within Appendix A of the report, was forwarded to a total of 47 persons/organisations and to every member of the Licensing Committee as well as being placed on the Councils website.
  - The consultation period commenced on 26 August 2021 and concluded on 8 October 2021. A total of 2 responses were received.
  - The first response was received on behalf of Gambleaware who were thankful for inclusion in the consultation and offered guidance, recommending two documents published by the Local Government Association, as detailed at Appendix B to the report, be incorporated into the policy. It was felt that reference to such non statutory documents was not required, however, they would serve as a valuable tool alongside the policy when performing functions under the Act.
  - The second response was received from Gosschalks Solicitors on behalf of the Betting and Gambling Council, (Appendix C referred)
  - Contact was made with the author of the letter and points raised were discussed. It was felt that the policy was currently sufficiently broad in nature. Each application for a premises licence was dealt with on its own merits, additional conditions could be imposed as required/if a particular issue emerged when a risk assessment was conducted.
  - The review of policy saw amendments to include updated GDPR and Data Protection elements that had arisen since the policy was last reviewed.
- c) requested that consideration be given to the policy prior to recommendation to full Council for approval.

The Chair thanked Francesca for a thorough report and welcomed any comments and questions from members. The following suggested amendments emerged from discussions held:

- The format of the policy felt inconsistent.
- There was a lack of blank lines between paragraphs.
- Throughout, there was reference to both 'the licensing authority' and 'this licensing authority'. It was concluded that as this would be a policy for the City of Lincoln Council, consistent use of 'the licensing authority' would be sufficient.

- At page 4 of the policy, section 5.2, there was no indentation of the words following 'the policy is:' For clarity, it was suggested that this action be added to the final policy document
- At page 3 of the policy, section 2.11, the hyperlink to the Lincoln City Profile should be embedded in the document with a link to take the reader directly to it.
- At page 3 of the policy, section 2.4, due to partnership work with County Licensing groups, reference to a commonality of approach with other Local Authorities would be useful.
- At page 16 of the policy, section 2.3, revision of verb use, 'the Local Authority will expect' to 'the Local Authority will adopt as approved' was necessary to clarify future activities.

The Chair gave thanks for comments received.

RESOLVED that subject to relevant amendments to the policy as detailed above, the Gambling Act 2005 Statement of Principles Policy 2022-2025 be referred to full Council for approval.

## **5. Exclusion of Press and Public**

RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it is likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

## **6. Suspension / Revocation of a Private Hire Vehicle Licence**

Tom Charlesworth, Licensing Officer:

- a) presented a report to Licensing Committee to seek a decision on whether a private hire vehicle licence should be suspended or revoked in accordance with section 60 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act)
- b) referred to The Hackney Carriage and Private Hire Licensing Policy which stated: *"Failure to comply with the terms of Part II of the Local Government (Miscellaneous Provisions) Act 1976, road traffic legislation and the licensing standards, conditions and requirements of the Council may lead to suspension and/or revocation of the licence."*
- c) added that condition 19 of the conditions attached to a private hire vehicle licence stated: *"The Operator or person to whom a licence is granted shall at all times operate the vehicle in compliance with the terms of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and failure so to do may result in the Licence being suspended or revoked."*
- d) stated that on 24 June 2021 a notice of revocation was issued to a private hire vehicle licence holder together with a covering letter, followed up with an e mail sent on 28 June 2021 in which he was informed that his private hire driver's licence had been revoked by the City of Lincoln Council with immediate effect due to grounds related to his arrest and being charged

with conspiracy to supply Class A drugs, as detailed within paragraph 4.1 of the officer's report

- e) reported that the decision to revoke the private hire driver's licence was carried out by the licensing team in conjunction with Legal Services, in accordance with the scheme of delegations found in the Hackney Carriage and Private Hire Licensing Policy; however, the suspension/revocation of a private hire vehicle licence was delegated to the Licensing Committee
- f) confirmed that due to failure by the licence holder to respond to the Licensing Team, investigations revealed that he was held on remand at HM Prison although a revocation notice sent by recorded delivery to this address failed to receive a response
- g) referred to Appendices A, B and C of the report in which the notice of revocation alongside the covering letters could be viewed together with Appendix D which contained the email sent to the licence holder. In addition, Royal Mail proof of delivery was documented at Appendix E and a copy of the private hire vehicle licence at Appendix F
- h) confirmed that the licence holder was remanded in prison until the start of his trial and therefore unable to attend tonight's hearing
- i) added that it was worth noting that although the Council revoked the licence, it would have expired in September 2021; no application was made by the licence holder or any person on his behalf to renew it, therefore, regardless of the outcome of any appeal, the licence holder would need to apply for a Private Hire driver's licence with the Council before he could work for a private hire operator in Lincoln
- j) explained that the Committee was asked to determine whether the licence holders private hire vehicle licence should be suspended or revoked in accordance with section 60 of the LG (MP)A 1976, on the following grounds, namely: -
  - (c) any other reasonable cause
- k) advised that the Licensing Committee may also wish to consider the vehicle itself and whether any potential future passengers may be placed in danger through it being associated with its current proprietor/licence holder and/or the potential for the vehicle to be used for criminal activity
- l) reported that the licence holder under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 was entitled to appeal to a Magistrates Court against the decision of a district council
- m) highlighted that a period of suspension could not be administered for punitive reasons, and that it should only be used where the licence holder was able to undertake some form of remedial action which would then allow the suspension to be lifted; this was not possible due to the licence holder being remanded in prison
- n) requested Member's consideration of the matter to be determined.

Discussions took place between members, legal services, and licensing officers.

The Decision was made as follows:

That the private hire vehicle licence be revoked

**Reason for the Decision**

1. The Committee shared concerns for the safety of future passengers should an association between the licence holder and the vehicle be made if the private hire vehicle licence was still active.
2. The Committee had concerns regarding the potential continuation of criminal activity if the vehicle continued to be licensed as a private hire vehicle, through the City of Lincoln Council and driven by another licensed driver, especially as it would be extremely difficult for any criminal connection between the licence holder and any such driver to be proved.

The Committee were informed that once notice was served, the licence holder had 21 days to appeal the decision.