

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Licensing and Public Protection Committee
18 October 2022

Report Title: Update on results of Taxi Licensing Appeals

Submitted by: Head of Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To update Members on the results of all Taxi Licensing Appeals that have been considered since the previous meeting.

Recommendation

That Members note the contents of the report

Reasons

To inform Members of the results of appeals made to the Court following decisions made by the licensing authority.

1. **Background**

- 1.1 Following any Council decision to suspend, revoke, refuse to grant or refuse to renew a taxi driver, vehicle or operator licence there is the statutory right of appeal. For nearly all matters, the right of appeal is to the Magistrates' Court in the first instance and then an opportunity for an onward appeal to be made to the Crown Court. In limited instances, particularly the refusal to grant a new hackney carriage vehicle licence, the right of appeal is straight to the Crown Court.
- 1.2 Upon receipt of any appeal the Council seeks to defend its position. If successful we apply to the Court for the full costs incurred defending the appeal.

2. **Issues**

- 2.1 Since 28th June 2022 the Council has been involved in 3 Magistrates' Court appeals. The first two related to a refusal to renew a driver and vehicle licence in respect of the same applicant, on the grounds of dangerous driving and breaches of policy requirements. Those appeals were dismissed and the council was awarded £2422 in costs across both of these appeals. The third was in relation to a refusal of a separate applicant's driver licence application on the grounds of their conduct towards officers and disputed allegations. This appeal was also dismissed and the council was awarded £1000 in costs. All three magistrates' court decisions have, however, been appealed to the crown court.
- 2.2 There was one further Magistrates' Court appeal due to be heard in July which was adjourned and one Crown Court appeal that had to be relisted. At the time of the report being drafted there are a further 4 Magistrates' Court appeals and 6 Crown Court appeals that have been submitted, including those adjourned and relisted.

3. **Proposal**

3.1 The Members note the contents of the report

4. **Reasons for Proposed Solution**

4.1 The purpose of the report is to bring Members up to date on recent taxi licensing appeals

5. **Options Considered**

5.1 No other options have been considered

6. **Legal and Statutory Implications**

6.1 Set out in the body of the report.

7. **Equality Impact Assessment**

7.1 N/A

8. **Financial and Resource Implications**

8.1 To defend licensing appeals there is a large resource implication on officers acting as witnesses or assisting with the casework. The successful party can apply to the Court for the full costs incurred in relation to the appeal, however the discretion lies with the Magistrates or Judge as to what proportion is awarded. In the event that the appeal is upheld then the starting point is that costs will not be awarded against the Council unless the Court finds that the decision taken was unreasonable, irrational or wrong.

9. **Major Risks**

9.1 N/A

10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 N/A

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 Various notices from Sub-Committee and Officer Decisions to suspend, revoke or refuse to renew licences.