

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Licensing and Public Protection Committee  
17 January 2023**

**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 last reported to Committee.

**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 18<sup>th</sup> October 2022 the Council has been involved in two Magistrates' Court appeals. The first matter related to a Sub-Committee decision from July 2020 to refuse renew a taxi driver licence due to a long history of failures to comply with policy and statutory provisions, and associated matters. The appeal was delayed originally due to Covid, then adjourned twice after being fixed on unsuitable dates and then adjourned twice recently by the Court on the day of the appeal due to a lack of Court time. The matter has been relisted for 17<sup>th</sup> April 2023.
- 2.2 The second matter related to a Sub-Committee decision from November 2021 to revoke a taxi driver licence after the individual being implicated in a violent assault. There was doubt from the Council that the individual had submitted their appeal within the statutory timescales and a legal argument was held. The District Judge determined that the appeal had likely been made on time and the appeal was fixed for 12<sup>th</sup> December 2022. At the substantive hearing the appeal was dismissed and the Council were awarded full costs of

£2000.00. An appeal has subsequently been made to the Crown Court. No date has been fixed as yet.

2.3 The Council have also been involved in four Crown Court appeals since 18<sup>th</sup> October 2022. The first matter was adjourned on the day as the applicant and his legal representative were apparently unaware of the date and not in attendance. The second and third related to the same individual but two separate matters. All parties were present but the matters were adjourned on the day due to lack of Court time. The fourth matter was withdrawn less than a week before the appeal hearing. The Council are considering making an application for wasted costs due to the officer time and instruction of Counsel.

2.4 At the time of the report being written the Council have four outstanding appeals to defend in the Magistrates' Court, including the one referred to in paragraph 2.1, six appeals in the Crown Court, including the three referred to in paragraph 2.3 and the potential wasted costs application

### 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.