

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Licensing and Public Protection Committee**  
**10 May 2023**

**Report Title:** Update on results of Taxi Licensing Appeals

**Submitted by:** Service Director - 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 17<sup>th</sup> January 2023 the Council has been involved in four 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 three times recently by the Court on the day of the appeal due to a lack of Court time. At the time of writing we are awaiting a new date from the Court.
- 2.2 The second matter related to a Sub-Committee decision to grant a taxi driver licence with the condition that he first pass the Council's taxi knowledge test. The driver appealed and the matter was due to be heard on 27<sup>th</sup> February 2023. They had stated that they needed an interpreter and would bring a friend. He was informed in advance that he must inform the court in order that they appoint an independent interpreter. They did not act on this advice

and as such the hearing could not go ahead on the day. The Court stated that they would be liable for the costs of this wasted hearing, and relisted the matter for 26<sup>th</sup> May 2023.

- 2.3 The third matter related to a Sub-Committee decision to revoke a taxi driver licence following receipt of a conviction of driving without insurance, aggravated by prior issues. The Magistrates' heard the case and dismissed their appeal, awarding full costs the Council amounting to £1685.00.
- 2.4 The fourth matter related to a Sub-Committee decision to revoke a taxi driver licence following receipt of a conviction for driving without due care and attention. The matter was due to be heard on 20<sup>th</sup> January 2023 however the driver had only recently instructed legal representation so the Council agreed to an adjournment. The matter was refixed administratively and a new date was set for 22<sup>nd</sup> August 2023.
- 2.5 The Council have also been involved in four Crown Court appeals since 17<sup>th</sup> January 2023. The first and second matters related to the same individual but two separate Sub-Committee decisions to refuse to grant Hackney Carriage Vehicle licences. The judge heard the cases on 10<sup>th</sup> March 2023 and dismissed both appeals, awarding full costs to the Council amounting to £1800.00.
- 2.6 The third 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. At the Magistrates' Court hearing the appeal was dismissed and the Council were awarded full costs of £2000.00. The driver has since withdrawn their appeal meaning that the decision of, and costs awarded by the Magistrates' Court stand.
- 2.7 The fourth matter related to a Sub-Committee decision from May 2020 to refuse to renew a taxi driver licence and an appeal that was heard by Magistrates' Court in March 2022. The appeal was dismissed with partial costs of £450.00 being awarded. An onward appeal was received to the Crown Court however due to further evidence being submitted the driver withdrew their appeal at the last minute, meaning that the decision of, and costs awarded by the Magistrates' Court stand. Due to the last minute withdrawal and legal costs incurred an agreement was reached where the driver would pay the £450.00 from Magistrates' Court plus an additional £780.00 for costs incurred totalling £1230.00.
- 2.8 At the time of the report being written the Council have nine outstanding appeals to defend in the Magistrates' Court, including the ones referred to in paragraphs 2.1, 2.2 and 2.4, and three appeals in the Crown Court.

### 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.