

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO**

**Licensing and Public Protection Committee
04 July 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 10th May 2023 the Council has been involved in one Magistrates' Court appeal. The 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 27th 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 26th May 2023. At the hearing on 26th May the Court determined to dismiss the appeal and awarded costs of £2000.00 to the Council.
- 2.2 The Council were also due to be involved in three Crown Court appeals since the last report was drafted. The first and second matters related to the same individual but two separate Sub-Committee decisions to refuse to renew a Taxi Driver Licence and Hackney Carriage

Vehicle licence respectively. Prior to the date of the hearing the individual withdrew both appeals which mean the Costs order awarded in the Magistrates' Court, totalling £2422.00, came into effect.

2.3 The third matter relates to a Sub-Committee decision to refuse to grant a taxi driver licence to an individual due to concerns over their conduct and behaviour. This appeal was also withdrawn prior to the hearing and the Costs order awarded in the Magistrates' Court, totalling £1000.00, came into effect.

2.4 At the time of the report being written the Council have seven outstanding appeals to defend in the Magistrates' Court and none 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.