

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE

12 March 2024

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

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To update Members on the results of all Taxi Licensing Appeals that have been considered since last reported to Committee.			
<u>Recommendation</u>			
That Members note the contents of the report.			
<u>Reasons</u>			
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 4th July 2023 the Council has been involved in seven Magistrates' Court appeals. Four of the matters were adjourned to future dates. Two of those were adjourned on the day, with both parties present, due to a lack of court time. The other two were adjourned in advance of the hearing date by the Court for unspecified reasons.

2.2 The remaining three appeals were withdrawn by the appellants prior to the hearings taking place. Two of these were following Sub-Committee decisions to revoke driver licences but once the appeals were withdrawn they were no longer able to continue to work as taxi drivers. The third appeal withdrawn was following an officer decision to suspend a driver licence pending the receipt of a new DBS certificate, as their update service subscription has expired. Upon receipt of the new DBS certificate the suspension was lifted and the individual recommenced driving, withdrawing the appeal.

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

3. **Recommendation**

3.1 The Members note the contents of the report.

4. **Reasons**

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 Not applicable.

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 & Mitigation**

9.1 Not applicable.

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

10.1



11. Key Decision Information

11.1 Not applicable

12. Earlier Cabinet/Committee Resolutions

12.1 Not applicable.

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.