

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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

17 September 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 12th March 2024 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. One of those was to allow a criminal trial involving the appellant to be concluded prior to the appeal taking place, and the second was relisted by the Court as they required the Court time for a case that took precedence.

- 2.2 Two of the remaining appeals were withdrawn by the appellants prior to the hearings taking place. The first of these was withdrawn well in advance of the hearing which we understand was because the appellant already held, or obtained, a licence from another licensing authority. In this case the Sub-Committee had revoked the individual's driver licence following an officer having witnessed them using a handheld device whilst driving passengers.
- 2.3 The second matter was withdrawn on the day at Court following discussions between the appellant and Council. The Court accepted the withdrawal and ordered that the appellant pay partial costs of £500.00 to the Council.
- 2.4 The final matter took place on 6th September 2024. The appellant did not turn up at Court and gave no explanation as to why. The Council requested that the appeal be dismissed which was agreed and the Court awarded full costs to be paid totalling £2816.00. This was following a Sub-Committee decision to refuse to renew the driver licence to the individual in 2020 due to failures to comply with application requirements, their previous history and elements of dishonesty. The case had been adjourned for various reasons on eight occasions but has finally been concluded, subject to them exercising their onward right of appeal to the Crown Court.
- 2.5 At the time of the report being written the Council have nine 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.