

# **NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

## **CORPORATE LEADERSHIP TEAM'S REPORT TO PUBLIC PROTECTION COMMITTEE**

**8 October 2025**

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

**Submitted by:** Service Director - Regulatory Services & Licensing Lead Officer

**Portfolios:** Finance, Town Centres and Growth

**Ward(s) affected:** All

| <b><u>Purpose of the Report</u></b>  | <b><u>Key Decision</u></b> | 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. |                            |                              |  |
| <b><u>Recommendation</u></b>   |                            |                              |  |
| That Members note the contents of the report.  |                            |                              |  |
| <b><u>Reasons</u></b>  |                            |                              |  |
| 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> September 2024 the Council has been involved in seven Magistrates' Court appeals and one Crown Court appeal. Five of the Magistrates' appeals, and the Crown Court appeal were withdrawn in advance of the Court dates for the below reasons:
  - The Public Protection Sub-Committee's determination to reinstate a licence due to evidence provided by the appellant;
  - To allow for a new application to be made and a fresh decision to be taken in relation to an individual's fitness and propriety for a licence;

- The appellant was prosecuted for the offence, that the original allegation and decision had been taken on, meaning they had no prospect of being successful; and
- Three were due to the Licensing Department serving additional evidence to support the original decision and action being taken, causing the appellant to determine it was in their best interests to not pursue their appeals. In the Crown Court matter this resulted in the costs order made by the Magistrates' at an earlier appeal for a total of £2816.00 coming into force.

**2.2** Out of the two remaining appeals one was upheld, and one was dismissed.

**2.3** The appeal that was upheld was in relation to a case originating in late 2022 and a decision taken in the middle of 2023 to revoke a driver licence. The matter had been adjourned by the Court on a number of occasions and was finally heard in May 2025. The Court were concerned with the nature of the relevant safeguarding incident but satisfied with the actions of the individual in the aftermath, and that there had been no further transgressions or concerns in the intervening 2.5 years. The Court were content that the decision at the time was correct but given the time elapsed since it would not be if made now.

**2.4** The appeal that was dismissed was in relation to a motoring offence in 2021 that led to a revocation decision of a driver licence. The Court accepted the Council's evidence and found the appellant's evidence to be contradictory and with little acceptance of guilt. The Council were awarded a contribution of £700.00 to costs to legal costs incurred. The appellant has subsequently appealed to the Crown Court.

**2.5** At the time of the report being written the Council have seven outstanding appeals to defend in the Magistrates' Court and one in the Crown Court. Four of the ongoing Magistrates' court appeals have been adjourned previously.

### **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. **One Council**

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council: ☒

*The Council seeks to recover all costs when defending appeals in order that all legal and officer costs are met by the appellant and not the central funds.*

One Sustainable Council: ☒

*The appeals have no relationship to the Council's sustainability programme.*

One Digital Council: ☐

*The appeals have no relationship to the Council's digital programme.*

## 12. **Key Decision Information**

- 12.1 Not applicable.

## 13. **Earlier Cabinet/Committee Resolutions**

- 13.1 Not applicable.

## 14. **List of Appendices**

- 14.1 None.

## 15. **Background Papers**

- 15.1 Various notices from Sub-Committee and Officer Decisions to suspend, revoke or refuse to renew licences.