

Christopher HALL (First Appellant)

And

57 Taxis Ltd (T/A 'Drive') (Second Appellant)

v

City Of York Council (Respondent)

INTRODUCTION

1. This case concerns an appeal brought by the two Appellants pursuant to s 300 Public Health Act 1936, as incorporated into s 77(1) Local Government (Miscellaneous Provisions) Act 1976.
2. The appellants were represented by Mr Holland of counsel, the Respondent by Mr Williams of counsel. I am grateful to both for their respective skeleton arguments and submissions.
3. The evidence submitted by all three parties was agreed and the appeal was heard by way of oral submissions, in support of the parties' skeleton arguments before me at Harrogate Magistrates' Court on 27 November 2023.
4. The appeal comes about because of a decision made by the Respondent, in the form of its licensing committee (hereinafter 'the Committee') to grant a private hire vehicle operator's licences to the First Appellant, pursuant to s 55 Local Government (Miscellaneous Provisions) Act 1974 subject to additional conditions, following a hearing before the Committee on 21 December 2022, which the First Appellant attended, following an application in writing for the same made by the First Appellant in respect of the Second Appellant company dated 7 December 2022.
5. The First Appellant applied to the Respondent in respect of the Second Appellant. Only one operator's licence was granted, in the name of the First Appellant, albeit he holds that licence as agent for the Second Appellant.
6. The Committee's decision was communicated to the First Appellant by way of a letter dated 17 January 2023.

7. This is an unusual case. Neither counsel nor myself have found any authority directly on the points of appeal, that when finding the First Appellant a 'fit and proper person' for the purposes of issuing him the operator's licences, whether they had the power to impose additional conditions (hereinafter the 'Additional Conditions') upon the grant of that licence over and above the standard conditions placed on the licence (which do not concern the appeal) and, if so, which the Appellants don't concede, the Committee were correct in concluding that was necessary, reasonable and proportionate for the Committee to impose the Additional Conditions that it did.
8. A third point made in legal argument on behalf of the Appellants was that no reference was made at the committee meeting to the possibility of the Additional Conditions being imposed and that the First Appellant only discovered that these conditions had been imposed and what they required when he received the decision letter. Consequently, it was submitted, there had been a breach of natural justice as the First Appellant had been afforded no opportunity to make, or to have made on his behalf, any representations regarding those conditions.
9. The First Appellant's business interests are not limited to York. The Second Appellant also holds operator's licences regarding a number of other private hire vehicle businesses, including, as of the date of this judgment, firms with operator's licences issued by Local Authorities in the Midlands, Hull in the East Riding of Yorkshire and Doncaster, South Yorkshire. According to a statement made by Desmond Broster, a self-employed licensing consultant, dated 30 June 2023, is that 'Drive' which the First Appellant renamed after taking over the business of 659 Private Hire Limited, trading as "659 Taxis of York" is working to capacity, with, at the date of Mr Broster's statement, operating 70 drivers under the terms of its licence.
10. Mr Hall wishes to expand his business interest in York and he wishes to use the capacity of other firms that he holds operators' licences for and their own drivers, who have the relevant drivers' licenses, to increase the potential to accept further bookings made with 'Drive' so that those can be accommodated. This is known as the 'right to roam'.
11. This is an entirely legal form of sub-contracting by virtue of the Deregulation Act 2015, which amends the Local Government (Miscellaneous Provisions) Act 1976, to provide for the passing of a booking for a private hire vehicle by an operator licensed in one area to an operator licensed in another.

12. It follows that the Committee will not, necessarily, have granted a driver's licence to the driver who would pick up the booking in the area that the Committee has responsibility for granting or refusing the issue of a drivers' licences.

THE ADDITIONAL CONDITIONS

13. The Additional Conditions were a modification of the Report Conditions, so-called because they appeared in the report to the Committee provided by a David Cowley, the Taxi Licensing Manager at City of York Council, to assist the Committee in its' task of deciding whether to grant the First Appellants the license he sought as set out in Mr Cowley's statement of 14 July 2023. This report is exhibited by Mr Broster as DBP1/12/529-535.

14. The Additional Conditions were:

" (a) Not to use any driver licensed by any other authority on the operator's (computer based) platform who is known to have taken and failed the York Knowledge and Safeguarding Test within the previous 3 years, unless the driver has booked to undertake the York Safeguarding and Knowledge test or has subsequently passed. (I am assuming that the tests referred to are one and the same, despite the different ordering of the wording of the tests.)

(b) To require any other local authority-licensed drivers who wish to be recruited onto the operator's platform to state (1) if they have previously taken and failed the York knowledge and safeguarding test (*sic*) within the 3 previous years (2) the current live points on their DVLA licence. Drivers' responses to be notified to the City of York Council.

(c) To require any other authority-licensed drivers who wish to be onboarded to the operator's platform to sign an appropriate form (in accordance with the requirements of the GDPR and Data Protection Act 2018) authorising information as to their having taken, or otherwise, the City of York Knowledge and Safeguarding Test (*sic*) (again I am assuming this is another description of the same test set out in (a) and (b) above), and current live points of their DVLA licence as well the result (*sic*) of any such test, to be given to the operator and/or their representatives.

(d) To require that before fulfilling a sub-contracted booking from the operator, each other authority-licensed driver must complete topographical training, namely 2-3 hours of in-house training consisting of classroom or in-car training, including the York Pedestrian Zone, city centre roads and routes, and important venues such as hospitals, the railway station, tourist attractions etc.

(e) To require that before fulfilling a sub-contracted booking from the operator. Each other authority-licensed driver must take and pass a driving assessment administered by a DVSA accredited assessor, such as The Blue Lamp Trust, Green

Penny or any other such organisation as may be authorised by or agreed with the City of York Council to undertake the aid driving assessment.

(f) To keep records of topographical training and driving assessment for each other authority-licensed driver. The said records (including driving assessment certificate) to be kept throughout the period the driver works with the company and for 6 months thereafter. To produce such records on request of an authorised officer of the City of York Council.”

THE DECISION LETTER

15. Within this letter is a subsection headed:

“ Reasons for the decision

(i) The Committee were satisfied that:

a. you are a fit and proper person to hold an operator’s licence and

b. you are not disqualified by reason of your immigration from operating a private hire vehicle.

(ii) The committee considered that the additional conditions are reasonably necessary in order to ensure that any bookings sub-contracted to drivers licensed by authorities in districts other than York are carried out safely and that such drivers are not deterred from taking the York Knowledge and Safeguarding Test.”

APPELLANTS’ SUBMISSIONS

16. It is accepted that s 55 (3) of the Local Government (Miscellaneous Act) 1976 provides that a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

17. The Additional Conditions did not form part of any published policy of the Council.

18. The reasons for the decision in the Decision Letter for imposing the Additional Conditions, are not adequate for the Appellants or the Court to understand why they were imposed.

19. Mr Holland drew my attention to parts of Mr Broster’s statement in support of his submissions. I will refer to paragraph numbers, not necessarily quoting the entire paragraph unless all of it would be relevant and add why Mr Holland contends these paragraphs are relevant to the arguments he makes.

20. Para 123 concerns the 'iCabbi' computerised booking and despatch system, requiring all drivers to onboard onto that system and be quipped with a driver application ('App') that will provide a communication portal between the Second Appellant and its' drivers and is the only means by which journeys are despatched to drivers. The App provides the Second Appellant with the GPS location of drivers at all times they are logged in. It also provides highly accurate navigation for each journey and is deliberately designed to be easy to read. Directions are provided for any journey, whether in York, or elsewhere.
21. Para 124 emphasises that 'iCabbi' makes precise records of the timing and route of all journey (sic), which can be live-tracked or reviewed later.
22. The points being made are that such a system already deals with the concern that the additional condition (d) seeks to address.
23. Para 128-Mr Broster comments that he has significant experience of other local authority conditions and he has never encountered conditions like the Additional Conditions imposed by any other Local authority in the country. Mr Holland submits that none of the Appellants' competitors have to comply with such additional conditions, apart from a Mr Iqbal, who I will consider below, and that the Respondent does not seem to have sought to revoke the licences of other operators and replace the conditions of those licences as their expiry date approaches (within 12 months of the date specified on the licence, as provided for by s 48(4)(c) of the Local Government (Miscellaneous Provisions) Act 1976. Mr Holland submits that the Committee has to make a decision regarding the individual case before it and be able to justify it with reasons.
24. Paras 133-136 concern information provided to Mr Broster by the Appellants.
25. The Appellants contend that they could not sub-contract because that would be impossible to implement as a matter of practicality. Even if it were permissible for the Second Appellant to require drivers to provide their DVLA points data, his view is that drivers would refuse to provide any operator with sensitive personal information of this type. Given the national shortage of drivers that existed since the onset of the pandemic, it is unrealistic to consider that drivers licensed by other authorities would be willing to undergo, at their expense, the Reduced York Knowledge Test and an additional driving expense (I believe this is a typographical error and Mr Broster means 'experience'), in order to undertake bookings accepted by the Second Appellant under the authority of the York licence.
26. Paras 145-146 concern whether or not the way on which the hearing was conducted by the Committee and that no advance notice was given as to the possibility that additional conditions would be attached to any licence regarding the Appellants, amounts to a breach of natural justice.
27. Mr Broster is entitled to his opinion on that point, but those are matters for the court.

28. Paras 147-148 submit that the real effect of the Additional Conditions removes, so far as the Licence is concerned, the rights granted by the Deregulation Act 2015, so that the Second Appellant can only have access to York-licensed drivers on its' platform, not non-York licensed drivers.
29. Para 151, second sentence, Mr Broster states that criminal conviction data is highly sensitive, particularly since there is no such thing as a 'spent conviction' so far as taxi and private hire vehicle drivers are concerned. Mr Broster's experience is that significant care is taken by licensing authorities to keep such information confidential and confined to those who are entitled to see it.
30. Para 154, Mr Broster states that he has been informed that the Additional Conditions are restricting the Second Appellant's freedom to use the Licence in accordance with the Act and are resulting in lost business opportunities to it daily. This means that the Second Appellant cannot tender for certain business to business contracts within the York district that have been offered to it.
31. Para 155, the Second Appellant considers that the Additional Conditions are anti-competitive in that they prevent the Second Appellant from recruiting drivers who work within York for Uber (a company not licensed by the Council). In other words, Mr Broster states, the Additional Conditions are harming a York regulated entity to the benefit of a non-York regulated entity.
32. Mr Holland adopted this evidence in making these submissions. Firstly, the Additional Conditions are unlawful as since the Deregulation Act 2015 came into force on 1.10.15, when an Operator has the authorisation provided by a licence, that Operator may arrange for another person to carry out a booking accepted by the Operator, if certain conditions are met, including whether the driver is licensed in the same district as the Operator, or another district. The Additional Conditions remove that legislative freedom and are unlawful, because (a) they create a licence not known to the law. Mr Holland relied on R-v-Inner London Crown Court, ex parte Sitki (1993) 157 JP 523. Also, the decision taken by the committee was *ultra vires*, although the committee may impose conditions to the grant of a licence that are reasonably necessary, 'may' does not mean 'might if you comply with these particular conditions'. In addition, the purpose of the Deregulation Act was to remove red tape and burdens.
33. Secondly, advanced Mr Holland, if it is possible to promote localism and the committee can impose conditions on the right to roam (which Mr Holland did not concede) then the Council must publish a proposed policy and this must be consulted on, as per para 3.12 of the Statutory Standards (Department for Transport Statutory Taxi and Private Hire Vehicle Standards 21 July 2021. There had been no consultation and there have been no representations sought regarding the Additional Conditions. The Council cannot have a 'secret policy'.
34. Thirdly, the reasons provided by the committee in the Decision Letter for the imposition of the Additional Conditions are inadequate because the committee have failed to provide an explanation for the imposition of them.

35. Fourthly, none of the Appellants' competitors have to comply with such Additional Conditions, save a Mr Iqbal and the Respondent does not seem to have sought to revoke existing competitors' Operators' licences and replace the terms of those licences with the Additional Conditions as and when those licences are about to expire. The Respondent has to make individual decisions in respect of individual cases.

MOHAMMED IQBAL T/A "YORK CARS"

36. It is necessary for me to deal with the factual history of the Committee's decision to impose the same conditions upon Mr Iqbal's operator's licence as imposed in the present case, following a review of Mr Iqbal's operator's licence on 17 November 2020.
37. In that case, if it can be called such, the Committee revoked Mr Iqbal's licence, as it did not consider Mr Iqbal to be a fit and proper person to hold such a licence as he wished to enable drivers, licensed by another authority, to work as private hire drivers in York. In detailed reasons, the committee concluded that it was not that issue alone that rendered Mr Iqbal not to be a 'fit and proper' person. It was that Mr Iqbal had obtained a licence issued by another authority, it was that he had done so without any intention of undertaking journeys in that local authority area and this was designed to circumvent York's (sic), local licensing controls (see Mr Broster's statement paras 95-103).
38. Mr Iqbal offered undertakings before the Committee made its' decision in that case, but these appear to have been rejected. I do not need to deal with the detail.
39. Mr Iqbal appealed against the Committee's decision to York Magistrates' Court but later abandoned his appeal and was granted a licence on 13 June 2023 following further application to the committee. That licence contained a number of conditions, including the Report Conditions (which formed the Additional Conditions).
40. The history of Mr Iqbal's 'case' was raised by both parties. I will deal with the relevance of it to the present appeal below.

RESPONDENT'S SUBMISSIONS

41. Mr Williams has provided both written and oral submissions.
42. In his written submissions, Mr Williams argued that s 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 permits that a district council may attach to the grant of a licence such conditions as they may consider reasonably necessary.
43. There is no published policy regarding the use of the committee of the Additional Conditions the subject of this appeal, but that does not prevent the committee exercising its discretion pursuant to s 55(3).
44. The reasons provided in the decision letter are not insufficient. The Appellants are well aware that cross-border hiring is a topical issue and well aware that the conditions are seeking to target the same.
45. The Respondent does not take issue with the legality of sub-contracting journeys through other operators, but the booking is deemed to be made with the original operator. The

Respondent has no jurisdiction over the operator as to his businesses elsewhere or the drivers and vehicles used by those businesses.

46. Mr Williams further submits that localism is the hallmark of the licensing regulatory regime, relying upon Blue Line Taxis-v-Newcastle Upon Tyne City Council [2012] EWHC 2599 (Admin) and Shanks-v-North Tyneside BC [2001] LLR 706, where it was stated that the authorities responsible for granting licences should have the authority to exercise full control over “all vehicles and drivers being operated within its’ area”.
47. Mr Williams recognises that there is a tension between the Deregulation Act 2015 and the cases cited at para 45 above. He drew my attention to the judgment of Kerr J in R (on the application of Delta Merseyside Ltd and another)-v-Knowsley Metropolitan Borough Council [2018] EWHC 757 (Admin) in which Kerr J recognised the difficulty of resolving this issue and expressed sympathy for the concerns of the Respondent in that case to preserve control over the operator’s drivers and the vehicles which it licenses.
48. Kerr J was inclined to think that promotion of ‘local licensing’ might, to a limited extent, be capable of inform a condition on an operator’s licence that was otherwise lawful and proportionate.
49. These views were *obiter* and, with respect, do not assist me in the present case.
50. If the Appellants were allowed to operate in York, but predominately make use of non-York drivers then this would ride a coach and horses through the principles of localism and effectively render the York standards obsolete and that these conditions are reasonably necessary so that the Respondent knows that those drivers are of a consistently high standard as is in the Respondent’s gift to set.
51. I heard no evidence or submissions on the point as to whether the Appellants were intending to predominantly use what I will describe as ‘out of city drivers’.
52. In his written submissions at para 38, Mr Williams seeks to explain the rationale of the 6 Additional Conditions set out at para 13 above. I set them out at paras 55 and 56 below, but, with respect these are not reasons recorded in the Decision Letter, however well advanced Mr William’s submissions on this point are.
53. In his oral submissions, Mr Williams added there is a potential clash between the needs of people for a taxi and the use of electronic means to order such compared to the Local Authority’s duty to protect rate payers, the public and a duty to regulate drivers licensed by the relevant authority.
54. Further, the Appellants were not being singled out by the Committee’s decision. The Committee sometimes had to make bold decisions. I was referred again to the Knowsley case, para 46 above which Mr Williams submitted supports the view that the Committee is entitled to impose conditions on licences to counter the mischief of drivers being granted licences in another area without any intention of working there. Similar conditions had been imposed upon Mr Iqbal and others.
55. The Appellants can control the drivers in their sister firms to a degree. The Additional Conditions do not prevent the Appellants doing what they could do lawfully, what the Additional Conditions require is not unfeasible, the Additional Conditions would not

necessarily apply to other cases. The Committee wanted to control the operations of taxi drivers that operate within its' area.

56. Mr Williams went on to make submissions the Additional Conditions. Condition A was carefully worded. It did not stop other drivers from outside of York operating in York, there were only requirements for this to happen. Conditions B-C were clearly directed at public safety. All that was required was notification as to which driver had taken and failed a knowledge test, not that the test had been passed. It was not necessarily the case that drivers would refuse to provide details of what points existed on their driving licence.
57. Conditions D-F were very clearly directed towards safety.
58. In conclusion, Mr Williams submitted that the Additional Conditions went no further than they needed to, it was accepted that the Appellants were responsible operators, and the Additional Conditions provided an opportunity for them to set the standard.
59. Mr Williams conceded that the decision that the Committee had to make in this case was difficult but the way they went about it was realistic and fair.

APPELLANTS' FURTHER SUBMISSIONS

60. In further written submissions dated 25 September 2023, Mr Holland answers the Respondent's skeleton argument. I will not repeat the written submissions, as they have been summarised above.
61. Mr Holland did, however, make further oral submissions.
62. The Appellants accepted that 'public safety' was an important consideration of the committee in deciding whether to grant an operators' licence and, if it did, what conditions should be imposed upon it.
63. The Council seems to have a policy as to cross border operations but has not published it or consulted upon it.
64. The First Appellant had no knowledge of the Additional Conditions before or at the meeting. He was first aware when he received the Decision Letter. DVLA data was required, but this is required by the 'home' Local Authority of a driver from outside of York in many cases.
65. There is no evidence from Mr Iqbal as to how the Additional Conditions are affecting him and his business.
66. There is no evidence as to what the Council would do with the data required, the Council does not regulate 'out of city' drivers.

RESPONDENT'S FURTHER SUBMISSION

67. Mr Williams reiterated that the decision to impose the Additional Conditions upon the Appellants was not the application of any Council policy.

THE LAW ON APPEAL

68. As has already been explained, any applicant for an operator's licence who is aggrieved by the refusal of a district council to grant an operator's licence under this section (s 55 of the

Local Government (Miscellaneous Provisions) Act 1976), or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court (s 55(4)).

69. Appeals in this context are quasi-judicial and therefore the normal rules of evidence do not apply. Hearsay evidence is admissible. McCool-v-Rushcliffe Borough Council [1998] 3 All ER 889, QBD, so that the parties in this case were able to present their cases in the way they did.
70. In considering the appeal, I have to determine whether the decision of the committee was 'wrong' in imposing the Additional Conditions. What might be concluded as 'wrong' is not straightforward and has been the subject of much litigation. The Appellants have to persuade me that the Committee should have exercised its' discretion differently rather than the court being required to exercise the discretion afresh.
71. The leading case remains R (on the application of Hope and Glory Public House Ltd) v City Westminster Magistrates' Court [2011] EWCA Civ 31, provided to me in the bundle of authorities as [2011] 3 All ER 579 *et seq*, which will be the report of the case that I rely upon in my judgment.
72. That case related to an appeal against conditions attached by the relevant Local Authority's licence sub-committee to a licence for the sale and supply of alcohol and for the provision of light night entertainment at a public house. The principles derived from that case are the same as apply to this.
73. The leading judgment in that case was handed down by Toulson LJ (as he then was). He had this to say about the subject in hand:
74. "It is not possible to provide a formulaic answer as to how much weight a judge was entitled to give to the decision of the licensing authority, because it may depend on a variety of factors-the nature of the issue, the nature and quality of the reasons given by the licensing authority and the nature and quality of the evidence on the appeal". (p 39 and 40).
75. "The licensing authority has a duty, in accordance with the rule of law, (my emphasis), to behave fairly (my emphasis) in the decision-making procedure, but the decision itself is not a judicial or quasi-judicial act. It is the exercise of a power delegated by the people as a whole to decide what the public interest requires". (p 41)
76. "The statutory duty of the licensing authority to give reasons for its (sic) decision serves a number of purposes. It informs the public, who can make their views known to their elected representatives if they do not like the licensing sub-committee's approach. It enables a party aggrieved by the decision to know why it has lost and to consider the prospects of a successful appeal. If an appeal is brought, it enables the magistrates' court to know the reasons which led to the decision. The fuller and clearer the reasons, the more force they are likely to carry."(p 43) (my emphasis).
77. "Given all the variables, the proper conclusion to the first question (see para 73 above), can only be stated in very general terms. It is right in all cases that the magistrates' court should pay careful attention to the reasons given by the licensing authority for arriving at the decisions under appeal, bearing in mind that Parliament has chosen to place responsibility for making decisions on local authorities. The weight which the magistrates should ultimately attach to those reasons must be a matter for their judgment (sic) in all the

circumstances, taking into account the fullness and clarity of the reasons, the nature of the issues and the evidence given on appeal." (p 45). (my emphasis).

DISCUSSION

BREACH OF NATURAL JUSTICE

78. It is a fact that the Additional Conditions were added to the operators' licences that was issued after the meeting of the committee on 21 December 2022.
79. The thought that such conditions would be added to the licence were not communicated to the Appellants (in reality Mr Hall) prior to the meeting or at that meeting.
80. Those Additional Conditions were communicated by the committee to the Appellants in the decision letter dated 17 January 2023.
81. The Appellants were, therefore, afforded no opportunity to make any representations about how those Additional Conditions would affect their business in advance of the Decision Letter. As a result, their representations have taken the form of this appeal.
82. This, in my judgement, is a clear breach of natural justice. There has been no reason advanced before me as to why the Committee could not have invited further representations by the Appellants before making their decision as to the reasonable necessity for the Additional Conditions to be added to the operators' licences granted to the Appellants.
83. I would therefore allow the appeal on the 'rule of law' point (para 74 above) alone, but I go further.

DECISION LETTER 17 January 2023

84. This is set out in full at para 14 above. The essential word in that succinct letter is 'safely', that is, I assume, that the Committee considered that public safety would be best achieved by the imposition of the Additional Conditions, although this is not what the Decision Letter states. The reasons provided are hardly 'full and clear' as per Toulson LJ's judgment in Hope and Glory (para 76 above).
85. It is impossible from the letter to ascertain what particular reasons the Committee believed were reasonably necessary for which and each of the Additional Conditions to be imposed or why any or all of those conditions were necessary and sufficient to adequately meet the need to ensure safety, or not to deter drivers from taking the York Knowledge and Safeguarding Test, or however it might be properly described.
86. The matter of Mr Iqbal is instructive for the purposes of my judgement and problematic for the Respondent. I remain unclear as to whether the decision of the Committee regarding Mr Iqbal is intended to be a precedent or not. Mr Williams averred that other operators have been subject of such Additional Conditions as feature in this case, although I have seen no evidence of this. If that is right, then the imposition of such conditions has the flavour of a policy which has not been consulted on, as per the Statutory Standards. Mr Williams also submitted that each application for an operator's licence would be considered on an individual basis. The two positions do not easily fit.

87. Mr Iqbal's operators' licence was revoked by the Committee, his subsequent appeal to the Magistrates' court was compromised on the basis that the conditions were placed on that licence which became the 'Report Conditions' as set out in Mr Cowley's report to the Committee and which, in turn, were modified by the Committee to become the 'Additional Conditions' imposed on the that licence.
88. Secondly, the fact that Mr Iqbal decided to compromise his appeal against the decision of the committee to revoke his licence on terms that conditions in the same terms as the Report Conditions should be imposed upon his operator's licence is neither here nor there. Appellants in many jurisdictions compromise their appeals for a variety of reasons, a concession that a Respondent's case is inarguable is one reason, pragmatism is another. No evidence has been provided by Mr Iqbal or anyone on his behalf on this point.
89. Thirdly, the Committee, perhaps differently constituted, provided detailed reasons to Mr Iqbal as to why his application for an Operator's licence would be refused and the refusal was based on the conclusion of the committee that Mr Iqbal was not a 'fit and proper person' to be issued such a licence.
90. That is an entirely separate conclusion as to that which pertains in this case where the Appellant was viewed as 'fit and proper' to hold such a licence.
91. In addition, if the committee could provide detailed reasons to Mr Iqbal for its' decision, this indicates that it could, to the Appellants in this case, but chose, for whatever reason, not to.

CONCLUSION

92. It follows from my reasons above that I allow the appeal by the Appellants and that the licences issued to both will continue with the Additional Conditions removed.

COSTS

93. The parties have seen my judgment in draft. It is agreed that the Respondent should pay the Appellants' their costs in the sum of 18,500 GBP by 16:00 hours on 9 April 2024 and I make the costs order in those terms, pursuant to s 64 Magistrates Court Act 1980.

District Judge (Magistrates' Court) Lower

11 March 2024