

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB COMMITTEE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

**APPLICATION FOR A HACKNEY CARRIAGE & PRIVATE HIRE
VEHICLE DRIVERS LICENCE**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform the Sub-Committee of an application for a Hackney Carriage & Private Hire Vehicle Drivers licence.
- 1.2 To request that the Sub-Committee determines whether to grant, refuse or restrict the application for a Hackney Carriage & Private Hire Vehicle Drivers licence in regard to Baldev Singh Bhullar.

2. BACKGROUND INFORMATION

- 2.1 An application for of a Hackney Carriage & Private Hire Vehicle Drivers licence has been received from Baldev Singh Bhullar.
- 2.2 Mr Bhullar has produced his Disclosure (DBS) Certificate which shows his criminal history including; violence, dishonesty and motoring offences.
- 2.3 Information disclosed on the applicant's DBS Certificate will be presented at the meeting as the said information cannot be reproduced. Reports will be updated at the meeting if necessary to take account of any additional relevant information received after publication.
- 2.4 Having regard to all the facts, members are asked to consider the application by Mr Baldev Singh Bhullar, to ascertain if he is a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and having regard for the summary of Guidance for Members shown as **Appendix A**.
- 2.5 Mr Bhullar has been refused a Private Hire Vehicle Drivers Licence in January 2015 by North Lincolnshire Councils Licensing (Miscellaneous) Sub-Committee.

- 2.6 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and Amendments Order 2002, exempts applicants for HC/PHV Driving Licences from the Rehabilitation of Offenders Act 1974, and therefore all relevant convictions can be considered.
- 2.7 Members should not allow themselves to pre-determine the application or to be prejudiced in favour of or opposed to the application until they have had an opportunity to consider all the pertinent facts.
- 2.8 Members should be aware that as they are acting in a quasi-judicial role as regards this licensing matter, they should remain in the room so that they hear all the evidence on which the decision will be based.

3. OPTIONS FOR CONSIDERATION

- 3.1 The options available to the Licensing (Miscellaneous) Sub-Committee under the Local Government (Miscellaneous Provisions) Act 1976 when considering such applications are as follows:

Option 1 – To grant the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.

Option 2 – To grant the licence subject to additional conditions or restrictions.

Option 3 – To refuse to grant the licence.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 – A criminal record does not debar an applicant from gaining or renewing a licence unless the authority considers the said conviction(s) render the person unsuitable and therefore not a fit and proper person. In the first instance criminal records are checked against guidelines in respect of the Rehabilitation of Offenders Act 1974 and guidance produced in line with the Department of Transport Circular 2/92 and Home Office Circular 13/92. A summary of the guidance for Members is shown as **Appendix A**. Members must have good reason to deviate from this guidance.
- 4.2 Option 2 – In the event that the Assessment Board or an Officer is not satisfied that the applicant is a “fit and proper” person, a recommendation is made to this Sub-Committee to determine the licence application. The committee could also determine to issue the licence for a lesser period. Licences can be issued for a period up to a maximum of three years.
- 4.3 Option 3 – Should the Licensing (Miscellaneous) Sub-Committee refuse the application or impose additional terms, conditions or restrictions then the applicant may appeal to a Magistrates Court within 21 days from the date on which he was notified of the decision.

Should the Magistrates uphold the decision of the council, the applicant has further recourse to the Crown Court.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no resource implications.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Local Government (Miscellaneous Provisions) Act 1976.

7. OUTCOMES OF CONSULTATION

7.1 Not applicable.

8. RECOMMENDATIONS

8.1 That the application be determined in accordance with the options outlined at paragraph 3 above, taking into account the information on the DBS Certificate provided and the summary of guidance for members attached to this report at Appendix A.

DIRECTOR OF PLACES

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Date: 10 November 2016

Background Papers used in the preparation of this report: -
Application file- except information protected by the Data Protection Act.

APPENDIX A

Summary of Application

Name of Applicant	Baldev Singh Bhullar	Type of Application	Grant Hackney Carriage & Private Hire Vehicle Driver's Licence
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Point Number	Detail	Action
1	<p>Grounds for Hearing:</p> <p><u>Local Government (Miscellaneous Provisions) Act 1976</u> <u>S.51</u></p> <p>(1) Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:</p> <p style="padding-left: 40px;">Provided that a district council shall not grant a licence-</p> <p style="padding-left: 40px;">(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.</p> <p>Taking into account the pattern of offences for Road Traffic; Dishonesty and Violence, are you satisfied that the applicant is a fit and proper person to hold a driver's licence?</p>	

Summary of Guidance to Members attached to the Hackney Carriage & Private Hire Licensing Policy

Point Number	Detail	Action
1	<p>Paragraphs 4.5 refer's to what should be considered when determining an application with relevant information.</p> <ul style="list-style-type: none"> • Whether the conviction or other matters revealed are relevant to the application in question; • The seriousness of any offence or other matter revealed; • The length of time since the offence or other matter occurred; • Whether the disclosure reveals a pattern of behaviour; • Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters, and • The circumstances surrounding the offence and the explanation(s) offered by the applicant. 	
2	<p>Paragraph 5.2 Determination of Convictions</p> <ul style="list-style-type: none"> • Major & Minor Road Traffic Offences • Drunkenness – with Motor Vehicle • Dishonesty • Violence 	

