

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING (MISCELLANEOUS) SUB-COMMITTEE**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
TOWN POLICE CLAUSES ACT 1847**

**RENEWAL OF A PRIVATE HIRE VEHICLE  
DRIVERS LICENCE**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To inform the Sub-Committee of a renewal of a Hackney Carriage/Private Hire Vehicle Drivers Licence.
- 1.2 To request that the Sub-Committee determines the appropriate action to be taken in relation to the Private Hire Vehicle Drivers licence in regard to Mr Andrew Henry Arnold.

**2. BACKGROUND INFORMATION**

- 2.1 Mr Andrew Henry Arnold has held a Private Hire Vehicle (PHV) Drivers Licence since 20 February 2014. His licence expired on 19 February 2017. An application to renew his licence was received before the expiry of his licence on 9 February 2017.
- 2.2 The penalty points scheme was introduced and is used to fill a gap between issuing a warning to drivers, proprietors and operators. Where a person has amassed 12 valid penalty points the Licensing (Miscellaneous) Sub-Committee will determine in accordance with Section 61(1)(b) if the person is suitable to hold a licence for any other reasonable cause.
- 2.3 Throughout the duration of Mr Arnolds 3 year licence, he reached a total of 14 penalty points for the following, thus meaning that the application needs to be considered by the Licensing (Miscellaneous) Sub-Committee.
  - a) On 30 April 2016 – List No. 60 – ‘Smoking in the vehicle at any time’.
  - b) On 5 October 2016 – List No. 84 – ‘Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Licensing Authority’.

- c) On 9 and 10 October 2016 – List No. 84 – ‘Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Licensing Authority’
  - d) On 23 December 2016 – List No. 56 – ‘Operating/using a vehicle that is not clean and tidy internally or externally’
- 2.4 Reports will be updated at the meeting if necessary to take account of any additional relevant information received after publication.
- 2.5 Having regard to all the facts, members are asked to consider the application by Mr Arnold, 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.
- 2.6 Members should not allow themselves to pre-determine or to be prejudiced in favour of or opposed to the application until they have had an opportunity to consider all the pertinent facts.
- 2.7 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 renew the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.

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

Option 3 – To refuse to renew 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 information renders 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.

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.

6.2 Town Police Clauses Act 1847

## **7. OUTCOMES OF CONSULTATION**

7.1 Not applicable.

## **8. RECOMMENDATIONS**

8.1 That the renewal be determined in accordance with the options outlined at paragraph 3 above, taking into account the Council's Licensing Policy for Hackney Carriage and Private Hire.

### **DIRECTOR OF OPERATIONS**

Civic Centre  
Scunthorpe  
North Lincolnshire  
DN16 1AB

Author: Sophie Whipps  
Date: 9 May 2017

### **Background Papers used in the preparation of this report: -**

Application file, except information protected by the Data Protection Act.