

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB COMMITTEE

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

**APPLICATION TO RENEW 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 to renew a Hackney Carriage & Private Hire Vehicle Drivers licence.
- 1.2 To request that the Sub-Committee determine the appropriate action to be taken in relation to the Hackney Carriage/Private Hire Vehicle Drivers licence in regard to Sofia Bi.

2. BACKGROUND INFORMATION

- 2.1 Information has been received by Humberside Police regarding Miss Sofia Bi's conduct.
- 2.2 The Police state that Miss Bi has been found guilty of a motoring offence in that she carried a 2 year old child in the front seat unrestrained.
- 2.3 Details of the event will be supplied at the hearing and witness statements have been provided as officers are unable to attend.
- 2.4 Having regard to all the facts, members are asked to consider Sofia Bi's Hackney Carriage & Private Hire Vehicle Drivers licence application, to ascertain if she 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 Miss Bi has held a Private Hire Vehicle Drivers licence since 23 May 2011 with North Lincolnshire Council and a Hackney Carriage Vehicle Driver's Licence since 8 August 2012.
- 2.6 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.

- 2.7 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. 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.

6.2 Town Police Clauses Act 1847.

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 provided in the additional papers; statements made at the hearing and the summary of guidance for members attached to this report at Appendix A.

DIRECTOR OF OPERATIONS

Civic Centre
SCUNTHORPE
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Date: 20 July 2017

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

Summary of Application

Name of Applicant	Sofia Bi	Type of Application	Renewal 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.61 Suspension and revocation of drivers' licences</u></p> <p>(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle–</p> <p>(b) any other reasonable cause.</p> <p>Taking into account the information provided by the Licensing Officer and statements made by the witnesses; 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 refers 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>Page 42, paragraph 5 refers to Traffic Offences</p> <p>a) Minor traffic offences</p> <p>Convictions or fixed penalties for minor traffic offences should not prevent a person from proceeding with an application.</p> <p>Please refer to Table 1</p> <p>b) Major traffic offences</p> <p>An isolated conviction for one of the offences listed in Table 2, for example for reckless driving or driving without due care and attention etc, should not normally merit either the refusal of an application or the suspension or revocation of a Hackney Carriage and/or Private Hire Vehicle Drivers Licence. Clarification should be sought as to the reason for the conviction and circumstances at the time of the offence should be taken into account.</p> <p>Convictions or endorsements for the offences listed in Table 3 would normally merit the revocation or immediate suspension of a hackney carriage or private hire vehicle drivers licence or the refusal of an application for a licence where the date of conviction/endorsement was within the last five years.</p> <p>Where an applicant has such a conviction/endorsement, then no further application would be considered until a period of five years free of conviction has elapsed.</p>	
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