

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB COMMITTEE

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

**REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE
VEHICLE DRIVERS LICENCE**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform the Sub-Committee of a review of a Hackney Carriage and Private Hire Vehicle Drivers licence.
- 1.2 To request that the Sub-Committee determines the appropriate action to be taken in relation to the Hackney Carriage/Private Hire Vehicle Drivers licence in regard to Mr Mohammad Waqar Khan.

2. BACKGROUND INFORMATION

- 2.1 Mr Khan has held a Hackney Carriage/Private Hire Vehicle Drivers licence since 1 July 2010. His current licence expires on 30 June 2019.
- 2.2 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council may suspend, revoke or refuse to renew a licence on the grounds that since the grant of the licence the person has:
 - (a) been convicted of an offence involving dishonesty, indecency or violence; or
 - (b) been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847; or
 - (c) any other reasonable cause.
- 2.3 The Licensing Authority received information from Mr Khan stating he had received 3 penalty points on his DVLA licence, and that he had appeared at Hull Magistrates Court under the totting up process.
- 2.4 After attending court, Mr Khan received a fine however he was not banned from driving.

- 2.5 Having regard to Mr Khan having a total of 12 endorsements for speeding, it was deemed necessary to review the Hackney Carriage and Private Hire Vehicles Licence on the grounds of 2.1(c), any other reasonable cause.
- 2.6 Members are asked to consider Mr Khan's Hackney Carriage and Private Hire Vehicle Drivers licence, to ascertain if he is a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 whilst having regard to all the facts and the Guidance for Members in the Licensing Policy; Appendix C, page 86.
- 2.7 Reports will be updated at the hearing if necessary to take account of any additional relevant information received after publication.
- 2.8 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.
- 2.9 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 information are as follows:

Option 1 – To take no action.

Option 2 – To warn the person regarding future conduct.

Option 3 – To add additional conditions to the licence or add conditions of obtaining a licence.

Option 4 – To suspend the licence

Option 5 - To revoke the licence.

4. ANALYSIS OF OPTIONS

- 4.1 The analysis of the 4 options at paragraph 3.1 are as follows:

Option 1 – Members may choose to take no action when they feel that there is no case to answer. This option is unlikely as prior to a review the matter may have been considered by an Assessment Board of three officers- who will only refer matters to the committee where there is sufficient evidence for the matter to be considered.

Option 2 – Where the case has been upheld, but the committee does not feel the need to take more punitive action, a warning can be issued

as to the future conduct of the driver. Should there be a re-occurrence then the driver could be referred back to the sub-committee.

Option 3 – Conditions can be added to a Private Hire Vehicle Drivers Licence so long as they are reasonable. Conditions cannot be added to a Hackney Carriage Vehicle Drivers Licence. Additional requirements can be added to the conditions of obtaining the licence, for example a DBS check can be requested every year and a requirement can be added that licences are renewed annually.

Option 4 – The licence could be suspended for a set period of time. Such an action would be punitive in nature.

Option 5 - The revocation of a licence is the ultimate action available to the sub-committee. Should the sub-committee feel that it is appropriate to remove the licence having considered all the evidence, the revocation can take immediate effect if it is deemed appropriate to protect the public. Revocation should be considered where it is deemed necessary to protect the public.

- 4.2 Should the Licensing (Miscellaneous) Sub-Committee revoke the licence 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; any statements made at the hearing and the guidance for members.

DIRECTOR: OPERATIONS

Civic Centre
Scunthorpe
North Lincolnshire
DN16 1AB

Author: Nicola Ellis
Date: 22 March 2018

Background Papers used in the preparation of this report: -

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