

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 & Private Hire Vehicle Driver's 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 Driver's Licence in regard to Mr Mohammed Abdur Roquibe.

2. BACKGROUND INFORMATION

- 2.1 Mr Mohammed Roquibe has held a Private Hire Vehicle Drivers Licence since 16 March 2010. His current licence expires on 15 March 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 and integrity; 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 that Mr Roquibe had failed to declare a speeding offence, SP50 dated 23 November 2017.
- 2.4 The speeding offence dated 23 November 2017 resulted in Mr Roquibe having 12 penalty points on his driver's licence.
- 2.5 Mr Roquibe has failed to declare previous speeding offences to the Licensing Authority. On 18 January 2016 Mr Roquibe was written to by a Licensing Officer to inform him that if there were any further breaches

of his licence conditions then consideration may be given to suspend or revoke his Hackney Carriage & Private Hire Driver's Licence.

- 2.6 Mr Roquibe did not report being involved in an accident in February 2018. Notification was received from his insurance company. This was the second time Mr Roquibe had not declared an accident within 72 hours and therefore 6 points were added to his Hackney Carriage & Private Hire Vehicle Driver's Licence.
- 2.7 Having regard to Mr Roquibe repeatedly not informing the Licensing Authority of his speeding offences and accidents, it was deemed necessary to review the Hackney Carriage & Private Hire Vehicle Driver's Licence on the grounds of 2.2 (c), any other reasonable cause.
- 2.8 Members are asked to consider Mr Roquibe's Hackney Carriage & Private Hire Vehicle Driver's Licence, to ascertain if he is a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Also members should have regard to all the facts and the summary of Guidance for Members (Appendix C of the Licensing Policy).
- 2.9 Reports will be updated at the hearing if necessary to take account of any additional relevant information received after publication.
- 2.10 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.
- 2.11 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 award warning points to the licence.

Option 5 – To suspend the licences for a set period of time.

Option 6 – To revoke the licence.

4. ANALYSIS OF OPTIONS

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

Option 1 – Where the sub-committee deems that Mr Roquibe is a “fit and proper” person to hold a Hackney Carriage & Private Hire Driver’s Licence.

Option 2 – Where the sub-committee deems that a warning regarding Mr Roquibe’s future behaviour is sufficient. Should there be a re-occurrence then Mr Roquibe could be referred back to the sub-committee.

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

Option 4 – Where the sub-committee deems that it is appropriate to add warning points to Mr Roquibe’s licence is sufficient. Should further points be added to the licence, in the future, Mr Roquibe could be referred back to the sub-committee.

Option 5 – The licence could be suspended for a set period of time. Such an action would be punitive in nature.

Option 6 – 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 summary of guidance for members.

DIRECTOR: OPERATIONS

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Background Papers used in the preparation of this report: -

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