

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING (MISCELLANEOUS) SUB-COMMITTEE**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**APPLICATION TO RENEW A 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 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 Peter Edmund Feneley.

**2. BACKGROUND INFORMATION**

- 2.1 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.
- 2.2 The Licensing (Miscellaneous) Sub-Committee is authorised to determine applications for the grant, transfer, renewal or revocation of Hackney Carriage/Private Hire Licences relating to drivers, operators and vehicles. The Sub-Committee is also authorised to attach points to hackney carriage and private hire licenses where they deem it is appropriate.
- 2.3 Drivers of Hackney Carriages and Private Hire Vehicles must be in possession of a valid Hackney Carriage or Private Hire Vehicle Drivers Licence, depending which vehicle they wish to drive. On initial application, prior to the grant of a licence, and upon application to renew a licence a check is made with the Disclosure Barring Service to see if the person has any cautions or convictions.

- 2.4 Information may also be received from the police in regard to current Hackney Carriage/Private Hire Vehicle Drivers who have been found guilty of an offence by the courts.
- 2.5 Mr Feneley has held a Private Hire Vehicle (PHV) Drivers Licence since 12 June 2015. It expired on 11 June 2018.
- 2.6 Information produced on his DVLA Driving Licence showed a trace that means it is necessary to determine Mr Feneley's Private Hire Vehicle Drivers Licence application.
- 2.7 Applicants are required to submit their original DVLA driving licence and current check code with all applications.
- 2.8 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.
- 2.9 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.
- 2.10 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 issue points against the licence in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy.

Option 4 – To add additional conditions to the licence or add conditions of obtaining a licence.

Option 5 – To refuse to renew.

### **4. ANALYSIS OF OPTIONS**

- 4.1 A criminal record does not debar an applicant from gaining or renewing a licence unless the authority considers the conviction(s) render the person unsuitable. 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 copy of the Guidance for Members' will be available at the hearing. The analysis of the five 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 any review the matter has 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 – Endorsing a Hackney Carriage and/or Private Hire Vehicle Drivers Licence with penalty points provides a cost effective means of addressing the issue. It provides a balance between doing nothing and suspending/revoking the licence.

Option 4 – 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 can be requested every year and a requirement can be added that licences are renewed annually.

Option 5 – The licence could be refused to be renewed taking into account the Licensing Policy.

- 4.2 Should the Licensing (Miscellaneous) Sub-Committee refuse 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.

## **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 facts presented at the hearing.

DIRECTOR: OPERATIONS

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Date: 22 June 2018

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

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