

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB COMMITTEE

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

**APPLICATION FOR A PRIVATE HIRE & HACKNEY CARRIAGE
VEHICLE DRIVERS LICENCE**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform the Sub-Committee of an application for a Private Hire & Hackney Carriage Vehicle Drivers Licence from Mohammed Asaduz Zaman.
- 1.2 To request that the Sub-Committee determines whether to grant, refuse or restrict the application for a Private Hire & Hackney Carriage Vehicle Drivers Licence in regard to Mr Zaman.

2. BACKGROUND INFORMATION

- 2.1 An application for a Private Hire & Hackney Carriage Vehicle Drivers Licence was received from Mr Zaman on 12 April 2018
- 2.2 On receipt of Mr Zaman's Disclosure and Barring Service Certificate (DBS) it showed a trace that is relevant to the application.
- 2.3 The information disclosed on the DBS will be presented at the hearing as the said information is confidential. Reports will be updated at the meeting if necessary to take account of any additional relevant information received after publication.
- 2.4 Having regard to all the facts, members are asked to consider the application by Mr Zaman, 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.
- 2.5 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.
- 2.6 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 grant the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.

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

Option 3 – To refuse to grant the licence.

4. ANALYSIS OF OPTIONS

4.1 Option 1 – A licence can be granted with no addition conditions if members consider Mr Zaman is a fit & proper person under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

4.2 Option 2 – The legislation also allows the Licensing Authority to attach Conditions to a Private Hire Vehicle Drivers Licence. In the event that the licensed driver has breached any of the Conditions during the period of their licence this may result in them being put before an Assessment Board of Officers of the Licensing Department to consider the licence. In the event that the Assessment Board is not satisfied that the applicant is a “fit and proper” person, a recommendation would be made to this Sub-Committee to determine the licence or the renewal 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 on the DBS certificate.

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.