

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

**APPLICATION FOR A PRIVATE HIRE
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 Vehicle Drivers Licence from Stephen Robert Allen.
- 1.2 To request that the Sub-Committee determines whether to grant, refuse or restrict the application for a Private Hire Vehicle Drivers Licence in regard to Stephen Robert Allen.

2. BACKGROUND INFORMATION

- 2.1 An application for a Private Hire Vehicle Drivers Licence was received from Stephen Robert Allen on 5 October 2018. The application requires a medical certificate to be obtained from his GP or from a GP, who has consulted his medical history. If the licensed driver is under 65 years old a further medical certificate is required every 5 years. If the licensed driver is 65 years old or more a medical certificate is required every 12 months.
- 2.2 The application is deemed complete and the details are included as follows:

<u>Application Requirements</u>	<u>Date Complete</u>
Knowledge Test Part A – Exempt Paragraph 21	5/10/18
Knowledge Test Part B – Exempt Paragraph 21	5/10/18
Knowledge Test Part C – Exempt Paragraph 21	5/10/18
Knowledge Test Part D – Exempt Paragraph 21	5/10/18
Medical Complete – Signed Fit	11/10/18
DVLA Licence - held over 1 yr / checked offences	5/10/18
Check Code	5/10/18
Enhanced DBS - check content	30/10/18
Right to Work	5/10/18
English Test	23/10/18
Safeguarding Test - Passed	23/10/18

Certificate of Good Conduct or Police Character Certificate Received	N/A
Photograph Compliant & Endorsed	5/10/2018
Proof of Identity	5/10/2018

- 2.3 On receipt of Mr Allen's medical certificate the Doctor, whilst signing Mr Allen as fit to drive, made a statement regarding medication taken by Mr Allen that may be relevant to the application.
- 2.4 The information disclosed on the applicant's medical certificate 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.
- 2.5 Having regard to all the facts, members are asked to consider the application by Mr Allen, 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.
- 2.6 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 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 Allen's medication is not relevant to the application.

- 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 Sub-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 – Information provided on a medical certificate does not debar a person from having a licence unless the authority considers the said information renders the person unsuitable and therefore not fit to carry passengers for hire or reward. 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.

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 medical certificate.

DIRECTOR: OPERATIONS

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Background Papers used in the preparation of this report: -

Application file- except information protected by the General Data Protection Regulations.