

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB COMMITTEE

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

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

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform the Sub-Committee of the receipt of a medical certificate from Charles Lawrence Pool.
- 1.2 To request that the Sub-Committee determines appropriate action to be taken in relation to the Hackney Carriage & Private Hire Vehicle Drivers Licence with regard to Charles Lawrence Pool following the receipt of a medical certificate.

2. BACKGROUND INFORMATION

- 2.1 Charles Pool has held both a Hackney Carriage & Private Hire Drivers Licence with North Lincolnshire Council since 4 April 2014. His current licence is due to expire on 3 April 2020.
- 2.2 Licensed drivers are required to produce a medical certificate obtained from his GP or from a GP, who has consulted his medical history on application. If a driver is under 65 years old then a further medical certificate is required every 5 years. Once the driver reaches 65 years old a medical certificate is required every year. Mr Pool's next medical certificate will be required by 23 October 2019 and then on a yearly basis.
- 2.3 The information disclosed on the applicant's medical certificate, which was received on 25 October 2018 has given officers cause for concern. This information will be presented at the hearing as the said information is sensitive personal data which cannot be disclosed in this report.
- 2.4 Having regard to all the facts, members are asked to consider if Mr Pool is a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

- 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 revoke the licence.

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

Option 3 – To take no action.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 – To revoke the licence. 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. 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. Revocation should be considered where it is deemed necessary to protect the public and can take an immediate effect.
- 4.2 Option 2 – The legislation allows the Licensing Authority to attach Conditions to a Private Hire Vehicle Drivers Licence as long as they are reasonable. 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. Conditions cannot be added to a Hackney Carriage Vehicle Drivers Licence
- 4.3 Option 3 – Allow the Hackney Carriage & Private Hire Vehicle Drivers Licence to continue to the expiry date of 3 April 2020 without additional conditions. 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 licence be reviewed in accordance with the options outlined at paragraph 3 above, taking into account the information on the medical certificate provided and any mitigating circumstances provided by the licence holder.

DIRECTOR: OPERATIONS

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Date: 14/11/18

Background Papers used in the preparation of this report: -

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