

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 Driver's Licence from Mr Mohammad Bahlol Akbari.
- 1.2 To request that the Sub-Committee determines whether to grant, refuse or restrict the application for a Private Hire Vehicle Driver's Licence in regards to Mr Akbari.

2. BACKGROUND INFORMATION

- 2.1 Mr Akbari applied for a Private Hire Vehicle Drivers Licence on 28 July 2018.
- 2.2 The application is deemed complete and the details are included as follows:

| <u>Application Requirements 28.6.7.18</u> | <u>Date Complete</u> |
|--|-----------------------------|
| Knowledge Test Part A – Passed | N/A |
| Knowledge Test Part B – Passed | N/A |
| Knowledge Test Part C – Passed | 5/9/2018 |
| Knowledge Test Part D – Passed | 3/10/2018 |
| Medical Complete – Signed Fit | 27/7/2018 |
| DVLA Licence - held over 1 yr / checked offences | 9/7/2018 |
| Check Code | 9/7/2018 |
| Enhanced DBS | 24/9/2018 |
| Right to Work | 26/7/2018 |
| English | 17/12/2018 |
| Safeguarding Test - Passed | 18/7/2018 |
| Certificate of Good Conduct or Police Character Certificate Received | 7/12/2018 |
| Photograph Compliant and Endorsed | 31/7/2018 |
| Proof of identity | 26/7/2018 |

- 2.3 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council may refuse to issue a licence on the grounds that 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.
- 2.4 Having completed the application process, it has been deemed appropriate to refer the applicant to the Licensing (Miscellaneous) Sub-Committee for determination. The information to be relied upon will be sent to the applicant, prior to the hearing and the documentation will be available for members to make their decision.
- 2.5 Members are asked to ascertain if Mr Akbari is a fit and proper person to be granted a Private Hire Vehicle Driver's Licence in accordance with the Local Government (Miscellaneous Provisions) Act 1976 ,having regard to all the facts and the summary of Guidance for Members .
- 2.6 Reports will be updated at the hearing if necessary to take account of any additional relevant information received after publication.
- 2.7 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.
- 2.8 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 grant the licence as applied for with no additional conditions or restrictions other than those normally applied to such licence.

Option 2 – To warn the Mr Akbari regarding his future conduct.

Option 3 – To grant the licence subject to additional conditions or restrictions.

Option 4 – To refuse to grant the licence.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 – A criminal record does not debar an applicant from gaining or renewing a licence unless the authority considers the said conviction(s) render the person unsuitable and therefore not a fit and proper person. 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. See guidance for Members.
- 4.2 Option 2 – The legislation also allows the Licensing Authority to attach Conditions to a Private Hire Vehicle Drivers Licence and in the event that the licensed driver has breached any of the Conditions during the period of their licence may result in them being put before an Assessment Board of Officers of the Licensing Division to consider it. In the event that the Assessment Board is not satisfied that the applicant is a “fit and proper” person, a recommendation is 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.

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.