

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING (MISCELLANEOUS) SUB COMMITTEE**

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

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

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To inform the Sub-Committee of a renewal application for a Hackney Carriage & Private Hire Vehicle Drivers Licence from Sardar Mujahid Sher.
- 1.2 To request that the Sub-Committee determines whether to renew, refuse to renew or restrict the renewal application for a Hackney Carriage & Private Hire Vehicle Drivers Licence in regard to Mr Sher.

**2. BACKGROUND INFORMATION**

- 2.1 According to the Licensing Authority records Mr Sher has held a Hackney Carriage & Private Hire Vehicle Drivers Licence since September 2010. His licence expired on 2 October 2018.
- 2.2 The application is deemed complete and the details are included as follows:

<b><u>Application Requirements</u></b>	<b><u>Date Complete</u></b>
Medical Complete – Signed Fit	4/11/14
DVLA Licence - held over 1 yr / checked offences	23/8/18
Check Code	23/8/18
Enhanced DBS - check content	23/11/18
Right to Work	18/7/18
Safeguarding Test - Passed	22/8/2018
Certificate of Good Conduct & Police Character Certificate Received	N/A
Proof of Identity	19/7/2018
NLC Warning Points Received & Timescale	NONE

- 2.3 Information contained in the application has been deemed relevant and 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 renewal application by Mr Sher, 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 renewal 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 renew the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.

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

Option 3 – To refuse to renew the licence.

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

- 4.1 Option 1 – The licence can be renewed with no addition conditions if members consider Mr Sher 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 renewal 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 confidential information.

### **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.