

**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 Abdul Musaher.
  - 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 Abdul Musaher.

**2. BACKGROUND INFORMATION**

- 2.1 An application for a Private Hire Vehicle Drivers Licence was received from Abdul Musaher on 11 July 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>
Knowledge Test Part C	24/10/2018
Knowledge Test Part D	7/11/2018
Medical Complete -Signed Fit	2/5/2018
DVLA Licence - held over 1 yr / checked offences	11/7/2018
Check Code	19/12/2018
Enhanced DBS - check content	8/1/2019
Right to Work	11/7/2018
Safeguarding Test & English Test- Passed	19/9/2018
Certificate of Good Conduct or Police Character Certificate Received	N/A
Photograph Compliant & Endorsed	22/5/2018
Proof of Identity	11/7/2018
Email withdrawing HC part of application	16/1/2019

- 2.3 Confidential information, which will be presented at the hearing, has been deemed relevant. Any additional relevant information received after publication will be presented at the hearing.
- 2.4 Having regard to all the facts, members are asked to consider the application of Mr Musaher, 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 additional conditions if members consider Mr Musaher as a “fit and proper” person.
- 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 – A licence can be refused if the members consider Mr Musaher is not “a fit and proper” person. This is the ultimate action to the Sub-Committee.

4.4 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 Data Protection Act.