

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

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

RENEWAL OF 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.
 - 1.2 To request that the Sub-Committee determines the appropriate action to be taken in relation to the Hackney Carriage & Private Hire Vehicle Driver’s Licence in relation to Mr Harry Waters.

2. BACKGROUND INFORMATION

- 2.1 The Licensing (Miscellaneous) Sub-Committee is authorised to determine applications for the grant, transfer, renewal or revocation of Hackney Carriage & Private Hire Licences relating to drivers, operators and vehicles.
- 2.2 The application is deemed complete and the details are included as follows:

<u>Fit and Proper Person Requirements</u>	<u>Date Complete</u>
Knowledge Test Part A/B/C/D	N/A
Medical Complete – Signed Fit	Due 31/3/20
DVLA Licence - held over 1 yr / checked offences	6/12/2018
Check Code	6/12/2018
Enhanced DBS - check content	5/1/2019
Right to Work	6/12/2018
Safeguarding Test - Passed	18/12/2018
Certificate of Good Conduct or Police Character Certificate Received	N/A
Photograph Compliant	6/12/2018
Proof of Identity	6/12/2018
NLC Warning Points Received & Timescale	18 pts/4 yrs

- 2.3 Appendix G of the Hackney Carriage and Private Hire Licensing Policy was introduced to provide the Council with a middle ground when dealing with breaches of conditions or offences. Prior to the introduction of the Warning Points Scheme the only options were to either do nothing or prosecute or revoke a licence. In many cases doing nothing was not appropriate whilst prosecution or revocation had significant financial implications for the licensed driver.
- 2.4 Drivers of Hackney Carriage and Private Hire Vehicles must be in possession of a valid Hackney Carriage or Private Hire Vehicle Drivers Licence, depending which vehicle they wish to drive. Licences are endorsed in accordance with Schedule 1 of Appendix G of the Hackney Carriage and Private Hire Licensing Policy.
- 2.5 Should a driver, operator or proprietor receive 12 or more points on their licence, then a review of the licence would be carried out. Under such a review section 61 of the Local Government (Miscellaneous Provisions) Act 1976 would be considered and members of the Committee would need to consider if it is appropriate to suspend, revoke or refuse to renew a licence on the grounds that since the grant of the licence the person has:
- (a) been convicted of an offence involving dishonesty, indecency or violence; 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.
- 2.6 According to the Licensing Authority's records Mr Waters has held a Hackney Carriage & Private Hire Vehicle Drivers Licence since 2011, which is due to expire on the 31 March 2019. A renewal application has been received from Mr Waters and is now complete.
- 2.7 On 4 August 2018 Mr Waters was captured on CCTV plying for hire on double yellow lines and parking in a controlled pedestrian crossing.
- 2.8 Mr Waters had, before this date, no other Warning Points on his Hackney Carriage & Private Hire Vehicle Drivers Licence. The breaches that occurred on the 4 August 2018 resulted in 18 Warning Points being added to his licence.
- 2.9 Mr Waters appealed against these Warning Points, however he failed to meet the criteria set in paragraph 149 of the Hackney Carriage & Private Hire Licensing Policy.
- 2.10 Supporting information in relation to this review will be presented at the time of the meeting. Mr Waters will be served with a copy of the information prior to the meeting.
- 2.11 Members should not allow themselves to pre-determine or to be prejudiced in favour of or opposed to the renewal application until they have had an opportunity to consider all the pertinent facts.

- 2.12 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 renewal of the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.

Option 2 – To grant the renewal of the licence subject to additional conditions or restrictions.

Option 3 – To refuse to renew the licence.

Option 4 – To warn Mr Waters regarding his future conduct.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 – Members may choose to grant the licence when they feel that there is no case to answer. This option is unlikely as prior to any referral to committee, the matter has been considered by authorised officers – who will only refer matters to the committee where there is sufficient evidence for the matter to be considered. Refer to the 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 to renew 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.

4.4 Option 4 – A warning can be issued as to the future conduct of the driver. Should there be a re-occurrence then the driver could be referred back to the sub-committee.

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 Members must follow the policy when considering the review. If members deviate from the policy then they must provide full reasons for doing so.

7. OUTCOMES OF CONSULTATION

7.1 Not applicable.

8. RECOMMENDATIONS

8.1 That the review be determined in accordance with the options outlined at paragraph 3 above, taking into account the information provided.

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.