

NORTH LINCOLNSHIRE COUNCIL**LICENSING (MISCELLANEOUS) SUB COMMITTEE****LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TOWN POLICE CLAUSES ACT 1847****APPLICATION TO RENEW A HACKNEY CARRIAGE & PRIVATE HIRE
VEHICLE DRIVERS LICENCE****1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To inform the Sub-Committee of an application to renew 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 Drivers licence in regard to Mrs Christine Anne Vipurs.

2. BACKGROUND INFORMATION

- 2.1 Mrs Christine Anne Vipurs has applied to renew her Hackney Carriage & Private Hire Vehicle Drivers licence. According to our records, Mrs Vipurs has held a Hackney Carriage & Private Hire Vehicle Drivers licence since before 2010, which expired on 11 September 2018.
- 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> |
|--|-----------------------------|
| Type of Application – RENEWAL | 28/09/18 |
| Hackney Carriage Driver | 28/09/18 |
| Private Hire Driver | 28/09/18 |
| Medical Complete – Signed Fit | Due 11/09/19 |
| DVLA Licence - held over 1 yr / checked offences | 04/09/18 |
| Check Code | 04/09/18 |
| Enhanced DBS - check content | 28/09/18 |
| Right to Work | 07/09/18 |
| English Test | N/A |
| Safeguarding Test - Passed | 19/09/18 |
| Certificate of Good Conduct | N/A |
| Police Character Certificate Received | N/A |
| Photograph Compliant & Endorsed | 28/08/18 |
| Proof of Identity | 07/09/18 |
| NLC Warning Points Received & Timescale | None |

- 2.3 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council may 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.
- 2.4 An investigation has been carried out in relation to documents handed to Licensing by Mrs Vipurs in relation to Hackney Carriage Vehicle 316, a white Ford Transit, FY07 MKN.
- 2.5 The details of the investigation along with further information that has been received in relation to Mrs Vipurs renewal application will be disclosed at the hearing.
- 2.6 Due to the gravity of the allegation it was deemed necessary to refer Mrs Vipurs Hackney Carriage & Private Hire Vehicle Drivers Licence application on the grounds of 2.3(c), any other reasonable cause.
- 2.7 Members are asked to consider Mrs Vipurs application to renew her Hackney Carriage & Private Hire Vehicle Drivers licence, to ascertain if she is a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 whilst having regard to all the facts and the Guidance for Members in the Licensing Policy at Appendix C.
- 2.8 Reports will be updated at the hearing if necessary to take account of any additional relevant information received after publication.
- 2.9 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.
- 2.10 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 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 – 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 – The legislation allows for the application to be refused should the Licensing (Miscellaneous) Sub-Committee determine that the applicant is not a fit and proper person.
- 4.4 Should the Licensing (Miscellaneous) Sub-Committee refuse to grant 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 Causes 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 the information provided in the additional papers; any statements made at the hearing and the 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.