

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING (MISCELLANEOUS) SUB-COMMITTEE**

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

**REVIEW 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 review of 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 Edward Stefan Barraclough.

**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 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.
- 2.3 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.
- 2.4 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.
- 2.5 According to the Licensing Authority's records Mr Barraclough has held a Hackney Carriage & Private Hire Vehicle Drivers Licence since 2010, which is due to expire on the 1 June 2021.
- 2.6 On 5 August 2018 Mr Barraclough was captured on CCTV plying for hire on double yellow lines at 4:39 am, and again at 5:13 am and parking on the corner of Doncaster Road and Oswald Road. Nine Warning Points were added to his Hackney Carriage & Private Hire Vehicle Driver's Licence for each of the three breaches.
- 2.7 Mr Barraclough had, before this date, no other Warning Points on his Hackney Carriage & Private Hire Vehicle Drivers Licence. The breaches that occurred on the 5 August 2018 resulted in 27 Warning Points added to his licence. Mr Barraclough did not appeal the Warning Points issued.
- 2.8 Supporting information in relation to this review will be presented at the time of the meeting. Mr Barraclough will be served with a copy of the information prior to the meeting.
- 2.9 Members should not allow themselves to pre-determine or to be prejudiced in favour of or opposed to the review 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 take no action.

Option 2 –To warn Mr Barraclough regarding his future conduct.

Option 3 – To add additional conditions to Mr Barraclough's Hackney Carriage & Private Hire vehicle Drivers Licence.

Option 4 – To Suspend Mr Barraclough's Licence for a set period of time.

Option 5 – To Revoke Mr Barraclough's Licence.

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

- 4.1 Option 1 - Members may choose to take no action when they feel that there is no case to answer.

Option 2 – Where the case has been upheld, but the committee does not feel the need to take more punitive action, 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.

Option 3 – Conditions can be added to a Private Hire Vehicle Drivers Licence so long as they are reasonable. Additional requirements can be added to the conditions on the licence, for example a requirement can be added that licences are renewed annually.

Option 4 – The licence could be suspended for a set period of time. Such an action would be punitive in nature.

Option 5- The revocation of a licence is the ultimate action available to the Sub-Committee. Should the Sub-Committee feel that it is appropriate to remove the licence having considered all the evidence, the revocation can take immediate effect if it is deemed appropriate to protect the public. Revocation should be considered where it is deemed necessary to protect the public.

#### **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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