

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 and 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 Mr Mohammad Abdul Ahad.

2. BACKGROUND INFORMATION

- 2.1 Mr Mohammad Abdul Ahad has held a Hackney Carriage/Private Hire Vehicle Drivers licence since 26 March 2007, which has been renewed each time it is due to expire. His current licence expires on 25 March 2019.
- 2.2 In October 2015, I was in receipt of information following a notice in the Scunthorpe Telegraph that Mr Ahad's DVLA Driving Licence was endorsed with 3 points. Mr Ahad failed to notify the Licensing Department of this and he received a warning letter for breaching his licence conditions.
- 2.3 On 17 August 2016, Mr Ahad applied to renew his Hackney Carriage Vehicle (HCV) Licence where he declared a conviction on the application form of a further 3 points he has received on his DVLA Driving Licence. Mr Ahad also failed to notify the Licensing Department of these 3 points.
- 2.4 Due to this and in accordance with our Policy, it was deemed necessary to review the Hackney Carriage and Private Hire Vehicle Driver's Licence on the grounds of 2.1(c), any reasonable cause.

- 2.5 Furthermore, Mr Ahad currently has 22 penalty points attached to his licence. These include using a non-hands free mobile telephone whilst driving, and unnecessarily prolonging a journey on two separate occasions.
- 2.6 An application to appeal the imposition of 12 of these penalty points for using a non-hands free mobile telephone whilst driving has been received. This appeal can be considered at this time. Details of this information will be supplied with the supporting documentation at the hearing.
- 2.7 Mr Ahad has failed to adhere to the conditions attached to his licence after being previously warned. He received a warning letter for not declaring the initial 3 points endorsed on his DVLA Driving Licence, he has since breached this same condition of his HC/PHV Drivers Licence which has resulted in him being referred to the Licensing (Miscellaneous) Sub-Committee in accordance with our Policy.
- 2.8 Further to this, the penalty points issued to Mr Ahad were of a very serious nature. Using a mobile phone whilst driving is a criminal offence. Mr Ahad failed to ensure the safety of the passenger, being a child on a school transport route. With this in mind, I would recommend that Mr Ahad's licence is to be revoked.
- 2.9 Having regard to all the facts, members are asked to consider Mohammad Abdul Ahad's Hackney Carriage and Private Hire Vehicle Drivers licence, 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.
- 2.10 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.
- 2.11 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 the person regarding future conduct.

Option 3 – To issue points against the licence in accordance with Appendix I of the Council's Hackney Carriage and Private Hire Licensing Policy.

Option 4 – To add additional conditions to the licence or add conditions of obtaining a licence.

Option 5 – To suspend the licence for a set period of time.

Option 6 – To revoke the licence.

4. ANALYSIS OF OPTIONS

4.1 A criminal record does not debar an applicant from gaining or renewing a licence unless the authority considers the conviction(s) render the person unsuitable. In the first instance criminal records are checked against guidelines in respect of the Rehabilitation of Offenders Act 1974 and guidance produced in line with the Department of Transport Circular 2/92 and Home Office Circular 13/92. The analysis of the four options at paragraph 3.1 are as follows:

Option 1 – Members may choose to take no action when they feel that there is no case to answer. This option is unlikely as prior to any review the matter has been considered by an Assessment Board of three officers- who will only refer matters to the committee where there is sufficient evidence for the matter to be considered.

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 – Endorsing a Hackney Carriage and/or Private Hire Licence with penalty points provides a cost effective means of addressing the issue. It provides a balance between doing nothing and suspending/revoking the licence. However, this approach has already been taken and Mr Ahad has amassed 22 points, although some of these have been appealed against.

Option 4 – Conditions can be added to a Private Hire Vehicle Drivers Licence so long as they are reasonable. Conditions cannot be added to a Hackney Carriage Vehicle Drivers Licence. Additional requirements can be added to the conditions of obtaining the licence, for example a CRB can be requested every year and a requirement can be added that licences are renewed annually.

Option 5 – The licence could be suspended for a set period of time. Such an action would be punitive in nature.

Option 6 – 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.

4.2 Should the Licensing (Miscellaneous) Sub-Committee revoke 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 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 the information provided in the additional papers; statements made at the hearing and the summary of guidance for members.

DIRECTOR OF PLACES

Civic Centre
Scunthorpe
North Lincolnshire
DN16 1AB

Author: Sophie Whipps
Date: 16 February 2017

Background Papers used in the preparation of this report: -

Application file- except information protected by the Data Protection Act.