

**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 Drivers licence in regard to Mohammed Ismail Khan.

**2. BACKGROUND INFORMATION**

- 2.1 Information from Humberside Police has been received regarding Mr Mohammed Ismail Khan's conduct.
- 2.2 The complaints relate to road traffic offences; hate crime; verbal abuse; threatening behaviour; driving without due care and attention; failing to give correct details; refusing to show private hire vehicle licence and obstruction of an officer of the police.
- 2.3 Details of the complaints will be supplied in the additional papers and witnesses will be in attendance.
- 2.4 Having regard to all the facts, members are asked to consider Mohammed Ismail Khan's Hackney Carriage & 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 shown as **Appendix A**.
- 2.5 Mr Khan has held a Hackney Carriage/Private Hire Vehicle Drivers licence since March 2009 with North Lincolnshire Council.
- 2.6 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.

- 2.7 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.

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 attached to this report at Appendix A.

**DIRECTOR: OPERATIONS**

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Date: 18 May 2017

**Background Papers used in the preparation of this report: -**  
Application file- except information protected by the Data Protection Act.

## Summary of Application

## (Hackney Carriage &amp; Private Hire Vehicle Driver's Licence)

<b>Name of Applicant</b>	Mr Mohammad Ismail Khan	<b>Type of Application</b>	Review of Hackney Carriage & Private Hire Vehicle Driver's Licence
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<b>Point Number</b>	<b>Detail</b>	<b>Action</b>
1	<p>Grounds for Hearing:</p> <p><u>Local Government (Miscellaneous Provisions) Act 1976</u> <u>S.51 (a)</u></p> <p>Taking into account the Road Traffic Offences, obstruction of a Police Officer and violence; are you satisfied that the applicant is a fit and proper person to hold a driver's licence?</p>	

## Summary of Guidance to Members attached to the Hackney Carriage &amp; Private Hire Licensing Policy

<b>Point Number</b>	<b>Detail</b>	<b>Action</b>
1	<p>Paragraphs 4.0 – 4.5 refer to what should be considered when determining an application with relevant information.</p> <ul style="list-style-type: none"> <li>• Whether the conviction or other matters revealed are relevant to the application in question,</li> <li>• The seriousness of any offence or other matter revealed,</li> <li>• The length of time since the offence or other matter occurred,</li> <li>• Whether the disclosure reveals a pattern of behaviour,</li> <li>• Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters, and</li> <li>• The circumstances surrounding the offence and the explanation(s) offered by the applicant.</li> </ul> <p>As a guide Paragraph 5.2 Determination of Convictions – these are not convictions.</p> <ul style="list-style-type: none"> <li>• Major &amp; Minor Road Traffic Offences</li> <li>• Dishonesty</li> <li>• Violence</li> </ul>	