

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB COMMITTEE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

APPLICATION FOR PRIVATE HIRE VEHICLE DRIVERS LICENCE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform the sub-committee of an application for a Private Hire Vehicle Driver's Licence from Robert John Bett.
- 1.2 To request that the Sub-Committee determines whether to grant, refuse or restrict the application for a Private Hire Driver's Licence in regards to Robert John Bett following the receipt of a medical report from the Northern Lincolnshire and Goole NHS Foundation Trust's Eye Clinic.

2. BACKGROUND INFORMATION

- 2.1 An application for a Private Hire Vehicle Driver's Licence has been received from Mr Robert John Bett on 2 March 2018.
- 2.2 An applicant is required to produce a Medical Certificate obtained from their GP or from a GP who has consulted with the applicant's medical history. This is required on the initial application and then every 5 years thereafter, or every year if the applicant is 65 years of age and over. Mr Bett's date of birth is 20 February 1965 and therefore he would not have to produce a further Medical Certificate until 2023.
- 2.3 Mr Bett produced his Medical Certificate and due to additional information included in the Medical Certificate it is deemed necessary that the Sub-Committee ascertains if Mr Bett is a fit and proper person to hold a licence in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and having regard for the summary of Guidance for Members.
- 2.4 Information disclosed on Mr Bett's Medical Certificate will be presented at the meeting. Reports will be updated at the meeting if necessary to take account of any additional relevant information received after publication.

- 2.5 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.
- 2.6 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 applications 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 licence.

Option 2 – To grant the licence subject to additional conditions.

Option 3 – To refuse to grant the licence.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 – An unsatisfactory Medical Certificate does not debar an applicant from gaining or renewing a licence unless the Authority considers the said information renders the person unsuitable and therefore not fit to carry passengers for hire and reward. A summary of the guidance for Members is at **Appendix B of the Licensing Policy**. Members must have good reason to deviate from this guidance.
- 4.2 Option 2 – Conditions can be added to the conditions of obtaining the Private Hire Driver's Licence, for example a Medical Certificate can be requested every year and a requirement can be added that licence is renewed annually. If the licence was granted, without additional conditions, a further medical would not be required to be produced again until 2023.
- 4.3 Option 3 – The refusal of a licence is the ultimate action available to the sub-committee if the sub-committee feel that it is appropriate.
- 4.4 Should the Licensing (Miscellaneous) Sub-Committee refuse 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.

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 on the Medical Certificate provided and the summary of 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.