

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

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

**APPLICATION TO REVIEW 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 whether to revoke or suspend the licence TD213 in regard to Mr Carl Richard Toyne.

2. BACKGROUND INFORMATION

- 2.1 This 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 Drivers of Hackney Carriages and Private Hire Vehicles must be in possession of a valid current Hackney Carriage and Private Hire Vehicle Drivers Licence and ID Badge. It is a requirement that on initial application, prior to the grant of a licence, and upon application to renew a licence every 3 years, that a check be made with the Criminal Records Bureau, for the existence and content of any criminal record held in the name of the applicant.
- 2.3 Information may also be received from other authorities in regard to current Hackney Carriage/Private Hire Vehicle Drivers who have been found guilty of an offence by the courts or have concerns regarding their conduct.
- 2.4 It is also a requirement that the applicant's DVLA licence be submitted with all applications.

- 2.5 On submission of Mr Toyne's application to renew his Hackney Carriage / Private Hire Vehicle Drivers Licence TD213, there showed an accumulation of fixed penalty points on his DVLA licence.
- 2.6 The Licensing Division adopted a Licensing Policy for Hackney Carriage / Private Hire in June 2009 and Members are asked to have regard to this Policy when determining such Licenses.
- 2.7 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and Amendments Order 2002, exempts applicants for HC/PHV Driving Licences from the Rehabilitation of Offenders Act 1974, and therefore all relevant convictions can be considered.

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:
- To revoke the licence
 - To suspend the licence for a set period of time
 - To take no action
- 3.2 Should the Licensing (Miscellaneous) Sub-Committee refuse the application 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.
- 3.3 The Licensing Policy states, where a licensed Hackney Carriage or Private Hire Vehicle Driver is convicted of a driving offence, has been issued with a fixed penalty or, in the opinion of a police constable or authorised officer, has driven or parked in a dangerous manner, the persons licence may be reviewed by the Licensing (Miscellaneous) Sub-Committee, who may require the said person to undertake and pass a Driving Standards Agency test within a set time, as specified by the Committee. The Licensing (Miscellaneous) Sub-Committee may determine that the licence is suspended until such a test has been taken and passed.

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. A Copy of the guidance

is attached to the 'Licensing Policy – Hackney Carriage/Private Hire', for Members information.

- 4.2 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.
- 4.3 Reports will be updated at the meeting if necessary to take account of any additional relevant information received after publication.
- 4.4 Members should not allow themselves to pre-determine or to be prejudiced in favour of or opposed to the application until they have had an opportunity to consider all the pertinent facts.
- 4.5 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.

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
- 6.3 North Lincolnshire Council Licensing Policy – Hackney Carriage / Private Hire.

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, considering the Council's Licensing Policy for Hackney Carriage / Private Hire.

SERVICE DIRECTOR NEIGHBOURHOOD AND ENVIRONMENT

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