

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING (MISCELLANEOUS) SUB-COMMITTEE**

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

**APPLICATION FOR GRANT OF HACKNEY CARRIAGE/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 Hackney Carriage/Private Hire Vehicle Drivers licence.
- 1.2 To request that the Sub-Committee determines whether to grant, refuse or restrict the application for a Hackney Carriage/Private Hire Vehicle Drivers licence in regard to Mr Mohammed Nazir.

**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 An Application form for a Hackney Carriage / Private Hire Vehicle Driver's Licence was received by Mr Mohammed Nazir on 30 November 2007 along with his DVLA Driving Licence.
- 2.3 Mr Nazir completed a Criminal Records Application with the Licensing Division on 30 November 2007. On receipt of the disclosure, on 29 January 2008, there showed a trace.
- 2.4 According to our records Mr Mohammed Nazir has not held a Hackney Carriage/Private Hire Vehicle (HC/PHV) Driver's Licence with this authority before. Mr Nazir has however, held a Hackney Driver's Licence with Calderdale Council up until 2006.
- 2.5 The information provided at the Chief Police Officer's discretion stated a different date of birth to that on our records. Further checks were made to confirm his date of birth.

- 2.6 The application was assessed by a Board of three Licensing Officers who, having regard to all the facts, consider that the application for a Hackney Carriage/Private Hire Vehicle Drivers Licence for Mr Mohammed Nazir be determined by the Licensing (Miscellaneous) Sub-Committee, to ascertain if he is a fit and proper person in accordance with Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.7 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.
- 2.8 Relevant information may also be disclosed at the Chief Police Officer's discretion where the applicant has not been convicted.
- 2.9 It is also a requirement that the applicant's DVLA licence be submitted with all applications.
- 2.10 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 applications are as follows:
  - To grant the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.
  - To grant the licence subject to additional conditions or restrictions.
  - To refuse to grant the licence.
- 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.

#### 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 for Members information as **Appendix A (attached at the rear of the agenda)**.
- 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 this 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

#### 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 3.1 above, taking into account the contents on Mr Mohammed Nazir's disclosure and DVLA Driving Licence.

### SERVICE DIRECTOR NEIGHBOURHOOD AND ENVIRONMENT

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