

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB COMMITTEE

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

**REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE
DRIVERS LICENCES**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines appropriate action to be taken in relation to a Hackney Carriage and Private Hire Vehicle Driver's licence in regard to Mr Mark Raymond Sheardown following the receipt of a medical certificate.

2. BACKGROUND INFORMATION

- 2.1 Mr Mark Raymond Sheardown has held both a Hackney Carriage and Private Hire Vehicle Driver's licence since 2005. His current licences expire on 12 February 2019
- 2.2 Mr Sheardown is required to produce a Medical Certificate obtained from his GP or from a GP who has consulted with his medical history every 5 years. Once Mr Sheardown is 65 years of age and over a Medical Certificate is required every year.
- 2.3 Mr Sheardown has produced his Medical Certificate and due to the information on the Medical Certificate it is deemed necessary that the Sub-Committee ascertains if Mr Sheardown 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 Sheardown'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 take no action

Option 2 – To add additional conditions to the licences or add conditions to obtaining a licence.

Option 3 – To suspend the licences

Option 4 – To revoke the licences

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 render the person unsuitable and therefore not fit to carry passengers for hire and reward. A summary of the guidance for Members is at Appendix C of the Licensing Policy. Members must have good reason to deviate from this guidance.
- 4.2 Option 2 – 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 Medical Certificate can be requested every year and a requirement can be added that licences are renewed annually. At present Mr Sheardown's next Medical Certificate would not be required until 26 September 2022.
- 4.3 Option 3 – The licences could be suspended for a set period of time.
- 4.4 Option 4 – 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.
- 4.5 Should the Licensing (Miscellaneous) Sub-Committee suspend or revoke the licences 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 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.