

NORTH LINCOLNSHIRE COUNCIL

LICENSING (MISCELLANEOUS) SUB COMMITTEE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

**APPLICATION FOR A 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 Drivers Licence from David Christopher Harrison.
- 1.2 To request that the Sub-Committee determines whether to grant, refuse or restrict the application for a Private Hire Vehicle Drivers Licence in regard to David Christopher Harrison.

2. BACKGROUND INFORMATION

- 2.1 An application for a Private Hire Vehicle Drivers Licence was received from David Christopher Harrison on 2 April 2019.
- 2.2 The application is deemed complete and the details are included as follows

| <u>Application requirements</u> | <u>Date Complete</u> |
|--|-----------------------------|
| Medical Complete -Signed Fit | 26/4/2019 |
| DVLA Licence - held over 1 yr / checked offences | 29/3/2019 |
| Check Code | 1/4/2019 |
| Enhanced DBS - check content | 12/4/2019 |
| Right to Work | 29/3/2019 |
| Safeguarding Test & English Test- Passed | 23/4/2019 |
| Photograph Compliant & Endorsed | 29/3/2019 |
| Proof of Identity | 29/3/2019 |

- 2.3 On receipt of Mr Harrison's medical it showed a condition that is relevant to the application.
- 2.4 The information disclosed on the applicant's medical certificate will be presented at the hearing as the said information is confidential. Reports will be updated at the meeting if necessary to take account of any additional relevant information received after publication.

- 2.5 Having regard to all the facts, members are asked to consider the application by Mr Harrison, 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.
- 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 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 licences.

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

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 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 B 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 Harrison's next Medical Certificate would not be required until 8 February 2021.
- 4.3 Option 3 – 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.

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.

DIRECTOR OF OPERATIONS

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Background Papers used in the preparation of this report: -

Application file- except information protected by the Data Protection Act 2018.

