

LICENSING SUB-COMMITTEE – 18 DECEMBER 2008

APPLICATION FOR COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

1. PURPOSE OF REPORT

- 1.1 Mr Darren Marshall has applied for a combined hackney carriage and private hire driver's licence. He is forty-one years of age and lives at 107 Parkwood Road, Southbourne, Bournemouth, BH5 2BT.
- 1.2 The application is being submitted to the Sub-Committee because a personal records check with the Criminal Records Bureau (CRB), has shown that Mr Marshall has criminal convictions.
- 1.3 The Sub-Committee is requested to consider the application and to determine whether Mr Marshall is a fit and proper person to be licensed as a hackney carriage and private hire vehicle driver.

2. DETAILS OF APPLICATION

- 2.1 Mr Marshall's application form is attached as Appendix 1.
- 2.2 Mr Marshall has successfully completed the Council's Taxi Driver Awareness Test.
- 2.3 Mr Marshall has supplied the details of two referees who have returned character references for him. These are attached as Appendix 2.
- 2.4 Mr Marshall holds an appropriate DVLA driving licence. The licence and counterpart have been inspected by the Licensing Officer.
- 2.5 The DVLA printout record for Mr Marshall's driver's licence is attached as Appendix 3.
- 2.6 Mr Marshall has two current motoring offences recorded against him. Both were dealt with by way of a fixed penalty and 3 penalty points for each matter. The first being an offence of exceeding the statutory speed limit on a public road (SP30) in February 2007. The second offence occurred in March 2008 for using a mobile phone while driving a motor vehicle (CU80).
- 2.7 The Council's own guidelines relating to the relevance of convictions is attached as Appendix 4.
- 2.8 The Sub-Committee will be asked to move into private session for legal advice regarding convictions.

3. BACKGROUND TO THE REPORT

- 3.1 All applicants for hackney carriage and private hire drivers' licences are required to apply to the Criminal Records Bureau for an Enhanced Disclosure of Criminal Records. Where matters of concern are disclosed, the Licensing Sub-Committee determines the application.
- 3.2 The Council is entitled to take into account the information disclosed to determine whether the applicant is a suitable person to hold a licence. The relevant legislation provides states that the Council shall be satisfied that the applicant is a 'fit and proper' person to hold a licence.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications associated with this report; however, the applicant will have a right of appeal to the Magistrates Court if the application is refused.

5. ENVIRONMENTAL IMPLICATIONS

- 5.1 There are no environmental factors to consider.

6. CRIME AND DISORDER IMPLICATIONS

- 6.1 There are no direct crime and disorder implications as a result of this report. The Council however has a duty to ensure that only 'fit and proper' persons are licensed as taxi drivers.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 There are no equality and diversity implications arising from this report.

8. CONCLUSION

- 8.1 Mr Marshall fulfils the driver licensing requirements on age and driving experience. He has provided two referees who both regard him as a suitable person to be a licensed taxi driver.
- 8.2 Mr Marshall has two current minor motoring offences recorded on his driving licence.
- 8.3 Mr Marshall has been invited to attend this Licensing Sub-Committee and has been informed that he is entitled to be represented. He has confirmed his attendance.

9. RECOMMENDATIONS

- 9.1 That after hearing from Mr Marshall, and the legal adviser to the Sub-Committee on other relevant matters, the merits of this case are considered and the Licensing Sub-Committee decide whether Mr Marshall is a fit and proper person to hold a combined hackney carriage and private hire driver's licence as issued by this local authority.
- 9.2 That the application be determined.

Further Information:

Paul Weston
Licensing Officer
Licensing Services
Tel: 023 8028 5449
Fax: 023 8028 5596
Email: paul.weston@nfdc.gov.uk

Background papers:

Exempt documents



New Forest DISTRICT COUNCIL

Medical booked
DAT passed

APPLICATION FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE

FOR OFFICIAL USE ONLY		
POLICE CHECK		LICENCE NO
REFS		DATE ISSUED
DVLA		DATE EXPIRED
MEDICAL		EXPIRY
FEE		EXPIRY
		RECEIPT NO

I HEREBY APPLY to the New Forest District Council to grant me, subject to the provisions of the TOWN POLICE CLAUSES ACT 1847 and 1889, and the LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 Regulations and Conditions relating thereto, a Licence to drive a Hackney Carriage and a Private Hire Vehicle in the New Forest District Council area.

(Medical certificate as to fitness to drive is required on initial application, at the age of 46 years and at 6 year intervals thereafter. At the age of 65 years a medical is required and also annually thereafter.)

- Surname MARSHALL First Names DARREN SYDNEY GRANT
- Date of Birth _____ Address 107, Parkwood Road Southbourne
Bournemouth Post Code BH5 2BT
- Daytime Tel No _____ /mobile _____ E-mail Address: _____
- Particulars of other addresses during past five years

Previous Address	From	To
<u>34, east cliff way, mudford</u> <u>Bournemouth BH23 4EY</u>	<u>2007</u>	<u>2008</u>
<u>29, Tillbrook Road, Blackheath</u> <u>London SE3 9AD.</u>	<u>1993</u>	<u>2006</u>

(continue on separate sheet if necessary)

- Have you previously held a similar Private Hire or Taxi Driver licence with this or any other Authority? If so state particulars
Licence No _____ Expiry Date _____ Issuing Authority _____
- I declare that I am, and for at least twelve months prior to the date of application, have been the holder of a DVLA licence, not being a provisional licence, under the RTA 1972, authorising me to drive a motor car.
The Number is _____ Expiry Date is _____

- Details of present employment

Name & Address of Present Employer	Date from	Date to
<u>Self Employed</u> <u>Dietician</u>	<u>2002</u>	<u>2008</u>

- Name and Address of previous employers, during past 5 years, state period of employment in each case

Name & Address of Previous Employers	Date from	Date to

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(continue on separate sheet if necessary)

10. Have you ever been refused a Private Hire Vehicle/Hackney Carriage Drivers Licence or had one revoked? If so, name the Council and date.

11. What driving experience do you have [REDACTED]

12. Are you a British Citizen? Yes No (Please tick appropriate box)

If no, state nationality? _____

13. I understand that failure to disclose any conviction is an offence as is deliberately withholding and/or giving false information for the purpose of gaining this licence. If you commit any of these offences you leave yourself open to prosecution and exclusion from holding such licence for life.

(a) Have you ever been convicted of any criminal offences? Yes No (tick appropriate box)

(b) Have you ever been convicted of any motoring offences? Yes No (tick appropriate box)

(c) State all convictions, both criminal and motoring. In the case of motoring offences also show endorsements and penalty points

Date	Court	Offence of which Convicted	Sentence
	REFER TO	CONFIDENTIAL APPENDIX	

(continue on separate sheet if necessary)

(d) Are you aware of any Police enquiries being made at the present time involving yourself Yes No.
(Please tick appropriate box) If yes, state nature of enquiries.

I hereby declare that the statements I make on this form are true and understand that should I make a misleading statement I shall be committing an offence for which I may be prosecuted.

Signed _____ Date 8-9-08 20 08

The sum of £ _____ is enclosed, being the fee payable in respect of this application. (See current Scale of Fees and Charges) Cheques must be made payable to New Forest District Council.

CERTIFICATE OF EMPLOYMENT

I certify that should this Applicant be granted a Driver's Licence "he/she will be employed

Full-Time Part-Time by me." (* Delete as necessary)

If part-time how many hours per day _____ per week _____

Signed _____ Company Galleon

Date 9 September 20 08

The District Council is dependent upon other agencies supplying information in order to progress this application. A Police Records check must be made on all applicants and a response received before a licence is considered and this process is conducted by the Criminal Records Bureau (CRB). It can take several weeks and you are strongly advised to apply in good time.

IMPORTANT! - PLEASE COMPLETE THE CHECKLIST BELOW TO ENSURE THAT ALL RELEVANT DOCUMENTATION IS ENCLOSED WITH YOUR APPLICATION:

Tick	Documentation Enclosed:
	Criminal Records Bureau Disclosure Application Form and accompanying documents (see purple booklet)
	Original DVLA Driving Licence displaying the applicant's current address
	Referee Form
	Medical Certificate where appropriate (this may be sent direct to the Council by your doctor).
	Licence Fee and Criminal Record Bureau Fee

The data supplied on this application will be held electronically and may be used for cross system and cross authority comparison purposes for the prevention and detection of fraud.



New Forest
DISTRICT COUNCIL

DETAILS OF TWO REFEREES

NAME OF APPLICANT Darren Marshall

Date: 8-9 2008

PLEASE PRINT ALL DETAILS CLEARLY

(A referee should be known by the applicant for a minimum of two years and should not be a relative of the applicant)

NAME AND ADDRESS OF PERSON RECOMMENDING	PERIOD THAT THE REFEREE HAS BEEN KNOWN TO APPLICANT	
	From	To
Referee: 1		
Name: <u>John Mollaghan</u>	<u>2004</u>	<u>2008</u>
Address: <u>51, Herberton Rd</u>		
<u>Southbourne, BH6 5NY</u>		
Telephone:		

Referee: 2	From	To
	Name: <u>STEVE WELMAN</u>	<u>2003</u>
Address: <u>75 SAXONWBY RD</u>		
<u>BURWEMOUTH BH6 5ND</u>		
Telephone:		



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APPLICATION FOR REFERENCE

**Local Government (Miscellaneous Provision) Act 1976
Hackney Carriage/Private Hire Driver**

Applicant : Darren Sydney Grant Marshall

Address : 107 Parkwood Road Southbourne Bournemouth Dorset BH5 2BT

How long has the applicant been known to you? 2 years - (at least)

Can you state in your own words why you feel the applicant to be: (continue on a separate sheet of paper is necessary)_

(a) a fit and proper person to hold a hackney carriage/private hire drivers licence

Since I have known Darren I would say he is a responsible person & also very sensible. He would make a very good hackney driver as he is very easy to get on with.

(b) capable of dealing honestly and in a civil manner towards members of the public whilst acting in that capacity

I have known Darren to be very polite when dealing with people. He is also very honest & approachable.

Name : John Malaghan **Title/Profession :** Plumber

Address 51 Herberton Rd, Southbourne
Dorset BH6 5NM

Signature : _____ **Date :** 15/9/08

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APPLICATION FOR REFERENCE

**Local Government (Miscellaneous Provision) Act 1976
Hackney Carriage/Private Hire Driver**

Applicant : Darren Sydney Grant Marshall

Address : 107 Parkwood Road Southbourne Bournemouth Dorset BH5 2BT

How long has the applicant been known to you?

APPROX 4/5 YEARS

Can you state in your own words why you feel the applicant to be: (continue on a separate sheet if necessary)

- (a) a fit and proper person to hold a hackney carriage/private hire drivers licence

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SINCE I HAVE KNOWN HIM HE HAS BEEN A HARD WORKING FAMILY MAN WHO ME + MY FAMILY SOCIALISE WITH REGULARLY. I AM A TAXI DRIVER + FEEL HE WOULD BE WELL SUITED TO THE JOB.

- (b) capable of dealing honestly and in a civil manner towards members of the public whilst acting in that capacity

HE IS A PEOPLE PERSON WITH A BUBBLY PERSONALITY WHICH IS NEEDED IN THIS JOB. I THINK HE COULD DEAL WITH ANY SITUATION HE WAS FACED WITH DIPLOMATICALLY

Name : MR. S. WELLMAN Title/Profession : TAXI DRIVER

**Address : 75 SAXONBURGH RD BOURNEMOUTH DORSET
BH6 5ND**

Signature : [Signature] Date : 21-9-08



Driver and Vehicle
Licensing Agency

APPENDIX 3

Driver and Vehicle Licensing Agency
Data Subject Enquiries
D4
Swansea
SA6 7JL

Website: www.direct.gov.uk/motoring

Minicom only:
01792 766366

SHEET 03 FOR DRIVER NUMBER;
PHOTOCARD BARCODES

1). 3086540306
ENDORSEMENT DETAILS

CONVICTING COURT CODE	DATE OF CONVICTION	OFFENCE CODE	DATE OF OFFENCE	FINE £.P.	POINTS	ALCOHOL LEVEL	DISQUALIFIED PERIOD YY MM DD	OTHER SENTENCE
2665	FIXED PENALTY	SP30	06 02 07	0.00	03			
1522	FIXED PENALTY	CUB0	17 03 08	0.00	03			

END OF RECORD

1032167020 / 0215



CUSTOMER SERVICE EXCELLENCE

D199
5/05

An executive agency of the
Department for
Transport



**NEW FOREST DISTRICT COUNCIL
GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS**

Each case will be decided on its own merits. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration will be the protection of the public. The following is a general guide where convictions are admitted.

(a) Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or PHV licence may be granted after its restoration but a warning will be issued as to future conduct.

(b) Major Traffic Offences

An isolated conviction for reckless driving without due care and attention etc., will normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last two years will merit refusal and no further application will be considered until a period of 1 to 3 years free from convictions has elapsed.

(c) Drunkenness/Intoxication/Alcohol Abuse

A serious view will be taken of convictions of driving a motor vehicle with excess alcohol or being in charge of a vehicle with excess alcohol or failing to provide a specimen of blood, breath or urine as required.

An applicant shall not normally be granted a licence if the applicant has been convicted of an offence of driving with excess alcohol or failing to provide a specimen of blood, breath or urine as required, unless three years have elapsed since the restoration to him/her of a full United Kingdom driving licence.

In the event of a conviction of being in charge of motor vehicle with excess alcohol:-

- (i) When the applicant has been disqualified for any period, an application shall not normally be granted until at least three years have elapsed from the restoration to him/her of a full United Kingdom driving licence;
- (ii) Alternatively, whether or not an applicant has been disqualified, a period of three years from the restoration to him/her of a full United Kingdom driving licence or from the date of conviction whichever is the greater, should normally elapse before an application may be granted.

Any alcohol related conviction may be deemed prima facie evidence of an alcohol problem and the Licensing Committee may require the applicant to provide medical or other evidence to enable the determination of whether or not it is appropriate to issue a licence.

If a Hackney Carriage or Private Hire Driver is convicted of an alcohol related offence, the Licensing Committee may suspend the Licensee and require the Licence Holder to provide medical or other evidence to enable the Committee to determine whether or not it is appropriate to restore the licence.

(NOTE: Applicants who have been medically diagnosed as having an alcohol related problem cannot ordinarily expect to be licensed without medical evidence supporting their fitness)

(d) Drugs

A serious view will be taken of convictions of driving a motor vehicle while under the influence of drugs. In the event of a conviction of being in charge of a motor vehicle while under the influence of drugs an applicant should be able to show a period of at least three years free from convictions before an application is granted.

Any drug related conviction may be deemed prima facie evidence of a drug problem and the Committee may require the applicant to provide medical or other evidence to enable the determination of whether or not it is appropriate to issue a licence.

(NOTE: Applicants who have been medically diagnosed as addicts cannot ordinarily expect to be licensed within five years of completion of treatment).

(e) Indecency Offences

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, any of the more serious sexual offences, will be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind will preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct will be issued.

(f) Violence

As hackney carriage and PHV drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning will be administered.

(g) Dishonesty

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view will be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction will be required before entertaining an application.