

LICENSING SUB-COMMITTEE – 2 JULY 2009

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

1. PURPOSE OF REPORT

- 1.1 Mr Habib Ahmadi has applied for the grant of a combined hackney carriage and private hire driver's licence. He is 25 years of age and lives at 14 Belvidere House, Kent Street, Southampton, SO14 5SA.
- 1.2 The application is being referred to the Sub-Committee because a personal records check with the Criminal Records Bureau (CRB), records criminal offences against Mr Ahmadi.
- 1.3 The Sub-Committee is requested to consider the application and to determine whether Mr Ahmadi 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 Ahmadi's application form is attached as Appendix 1.
- 2.2 Mr Ahmadi has completed the Council's taxi driver Awareness Test.
- 2.3 Mr Ahmadi has supplied the details of referees who have returned character references for him. These are attached as Appendix 2.
- 2.4 Mr Ahmadi holds an appropriate DVLA driving licence. The licence and counterpart have been inspected by the licensing office.
- 2.5 The DVLA printout record for Mr Ahmadi's driver's licence is attached as Appendix 3.
- 2.6 The Council's own guidelines relating to the relevance of this matter is attached as Appendix 4.

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, including 'spent' and 'unspent' convictions, 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 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 Ahmadi fulfils the driver licensing requirements on age and driving experience. He has provided two suitable character references.
- 8.2 There is one motoring matter of potential relevance recorded against Mr Ahmadi.
- 8.3 Mr Ahmadi 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 Ahmadi, the merits of this case are considered and the Licensing Sub-Committee decide whether Mr Ahmadi 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
Tel: 023 8028 5449
Email: paul.weston@nfdc.gov.uk

Background papers:

Application forms and associated documents

((1,4,7))



FOR OFFICIAL USE ONLY		
POLICE CHECK		LICENCE NO.
BIRTH CERT		DATE ISSUED
REFS		DATE EXPIRED
DVLA		EXPIRY: 28
MEDICAL		EXPIRY:
FEE		RECEIPT NO.

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

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 AHMAQI First Names HABIB
- Date of Birth _____ Address 14 BELVIDERE HOUSE, KENT STREET, SOUTHAMPTON Post Code SO14 5SA
- Daytime Tel No _____ Mobile _____ E-mail Address _____
- Particulars of other addresses during past five years

Previous Address	From	To
<u>2 GRAHAM ROAD, SOUTHAMPTON SO14 0AW</u>	<u>2002</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 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 _____

8. Details of present employment

Name & Address of Present Employer	Date from	Date to
<u>WORLD FLOWERS LTD, LODGE FARM, HOOK ROAD, NORTH WANTSBOROUGH, HOOK RG29 1HA</u>	<u>May 2002</u>	<u>June 2007</u>

9. 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
<u>VITACRESS SALADS LTD, LOWER LINK FARM, ST MARY, BOURNE, ANDOVER SP11 6DB</u>	<u>2.2.07</u>	<u>Present</u>

(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.

None

11. What driving experience do you have? Passed driving test in England 23.1.06

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

If no, state nationality? Afghani

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
		<u>CONFIDENTIAL</u>	

(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.

Driving car with no road tax

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 22.1.2009 20__

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 _____

Date _____ 20__

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

Data Protection Act 1998
The information you provide will be held in accordance with the Data Protection Act 1998, and statutory requirements including the Licensing Act 2003 and the Gambling Act 2005. It will not be used for any purpose that is not compatible with the purpose for which it was collected.

New Forest District Council is under a duty to protect the public funds it administers, and to this end may share information collected internally, and with other councils and government agencies including other bodies responsible for auditing or administering public funds, for the prevention and detection of fraud.

For further information, see <http://www.newforest.gov.uk/index.cfm?articleid=7655> or contact the Council's Senior Investigations Officer (023 8028 5790)



CONFIDENTIAL

APPLICATION FOR REFERENCE

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

Applicant : Habib Ahmadi

Address : 14 Belvidere House Kent Street Southampton Hampshire SO14 5SA

How long has the applicant been known to you?

3 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

LICENSING SERVICES
20 APR 2009
RECEIVED

There are particular qualities that are important for a person holding a hackney carriage licence - quick thinking; having initiative; quick to learn the ropes; trustworthy; hard working; reliable. Mr Ahmadi has all of the above qualities and is ideal for such a role.

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

Mr Ahmadi has considerable experience in working as a team leader. Through this, he has gained skills in working with people - patience and communication/interpersonal skills, are essential and Mr Ahmadi has these in abundance.

Name : Mr V Sharma **Title/Profession :** Teacher (Head of Science Faculty)

Address : 11 Thornbury Ave
Southampton SO15 5BA

Signature : _____ **Date :** 17th April 2009



CONFIDENTIAL

APPLICATION FOR REFERENCE

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

Applicant : Habib Ahmadi

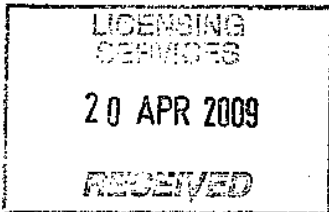
Address : 14 Belvidere House Kent Street Southampton Hampshire SO14 5SA

How long has the applicant been known to you? 3 years

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

He is intelligent and a careful + good driver (I used to be a driving instructor) He takes his responsibilities seriously even more so when he married about 8 months ago. He is a well-adjusted man wanting to do a good job.



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

All the time I have known him I have found him to speak the truth + want to know + do what is right. I have no hesitation to say he is also very polite and will avoid offending people.

Name : REG KING Title/Profession : Retired civil servant, now working at Southampton City Council as a Practice Support Officer (Highways)
Address : 39 Hollybank Road, Hylke SO45 5FS

Signature : Date : 17/4/2009



APPENDIX 3
Driver and Vehicle Licensing Agency
Data Subject Enquiries
14
Swansea
SA6 7JL
Website: www.direct.gov.uk/motoring

Minicom only:
01792 766366

TELEPHONE:-01792 310075

NEW FOREST DISTRICT COUNCIL
FAO DIANE SIM
TAXI LICENSING DEPT
APPLETREE COURT
LYNDHURST
SO43 7PA

30 April 2009

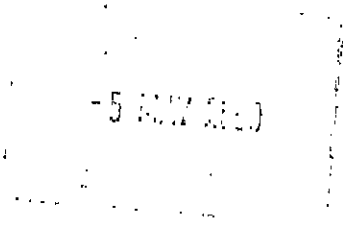
DATA PROTECTION ACT 1998

RE: HABIB AHMADI
DRIVER NUMBER:

Receipt is acknowledged of your enquiry together with the
fee of £5.00.

Please find enclosed the information held on our records.

DATA SUBJECT ENQUIRY SECTION
DRIVER CUSTOMER SERVICES



1012487030 / 0234



Driver and Vehicle Licensing Agency
 Data Subject Enquiries
 (D)
 Swansea
 SA6 7LL
 Website: www.direct.gov.uk/nutoring
 Minicom only:
 01792 766366

SHEET 01 FOR DRIVER NUMBER:
 NAME AND ADDRESS HABIB AHMADI
 ----- 14 BELVIDERE HOUSE
 KENT STREET
 SOUTHAMPTON S014 5SA

CURRENT IMAGE

PREVIOUS IMAGE

OUR RECORDS SHOW THE DATA SUBJECT IS THE HOLDER OF A FULL LICENCE
 HR01 EXPIRED
 THE NUMBER OF THE LAST LICENCE ISSUED IS 20 A
 PLACE OF BIRTH AFGHANISTAN
 FIRST PROVISIONAL LICENCE ISSUED 02 10 2002
 LAST LICENCE ISSUED

 CARD ISSUE DATE 08 11 2008
 CARD EXPIRY DATE 31 01 2016
 PHOTO EXPIRY DATE 31 01 2016

CATEGORIES	DATE FIRST ISSUED	EXPIRY DATE	INFORMATION CODES
FULL B	23 01 2006		
FULL B1	23 01 2006		
FULL FKP	23 01 2006		122
PROV A	02 10 2002		
PROV BE	01 02 2006		
PROV GH	01 02 2006		

PREVIOUS LICENCE

 CARD EXPIRY DATE 31 01 2016



1012487030 / 0234

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D199

An executive agency of the
 Department for
Transport



Driver and Vehicle Licensing Agency
 Data Subject Enquiries
 D4
 Swansea
 SA6 7J1
 Website: www.direct.gov.uk/motoring

Minicom only:
 01792 766366

SHEET 02 FOR DRIVER NUMBER: /

CATEGORIES	DATE FIRST ISSUED	EXPIRY DATE	INFORMATION CODES
FULL B	23 01 2006		
FULL B1	23 01 2006		
FULL FKP	23 01 2006		122
PROV A	02 10 2002		
PROV BE	01 02 2006		
PROV GH	01 02 2006		

EXPLANATION OF INFORMATION CODES

122 VALID ON SUCCESSFUL COMPLETION: BASIC MOPED TRAINING COURSE
 DRIVING TEST DETAILS

DATE OF TEST 23 01 2006
 CATEGORY B PASSED ON LICENCE

DOCUMENT TRAIL DETAILS

DOCUMENT NUMBER	TYPE OF DOCUMENT
022741970417	FIRST APPLICATION
060310102054	DSA ORDINARY TEST PASS
060311623720	EXCHANGE
063001273714	REPLACEMENT
073190631121	COURT NOTIFICATION
082801321318	RENEWAL
091201151707	FEE PAYING ENQUIRY

PHOTOCARD BARCODES

1). 4019800243 2). 3012400979 3). 2070403761 4). 9096701422
 ENDORSEMENT DETAILS

CONVICTING COURT CODE	DATE OF CONVICTION	OFFENCE CODE	DATE OF OFFENCE	FINE £.P.	ALCOHOL POINTS LEVEL	DISQUALIFIED PERIOD YY MM DD	OTHER SENTENCE
1775	08 11 07	DR10	16 09 07	75.00		00 12 00 CONCURRENT	

END OF RECORD



1012487030 / 0234

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D199

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.

L:\letters\drivers\Reports