

LICENSING SUB-COMMITTEE – 26 FEBRUARY 2010

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

1. PURPOSE OF REPORT

- 1.1 Mr Christopher Neale is the holder of a combined hackney carriage and private hire driver's licence. He is 52 years of age and lives at 52 Queensway, Ringwood, BH24 1QF.
- 1.2 As part of the licence renewal process, a personal records check with the Criminal Records Bureau (CRB) is required. The disclosure undertaken for Mr Neale contains certain 'relevant' information.
- 1.3 The Sub-Committee is requested to consider this information and to determine whether Mr Neale is a fit and proper person to remain licensed as a hackney carriage and private hire vehicle driver.

2. DETAILS OF RENEWAL APPLICATION

- 2.1 Mr Neale's renewal application form is attached as Appendix 1.
- 2.2 Mr Neale was originally granted a combined hackney carriage and private hire driver's licence on 21 January 2009.
- 2.3 This licence was renewed on 20 January 2010 and will expire on 19 January 2013.
- 2.4 Mr Neale holds an appropriate DVLA driving licence. The licence and counterpart have been inspected by Licensing Services.
- 2.5 The Council's own guidelines relating to the relevance of offences is attached as Appendix 2.

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 and other relevant information, a Licensing Sub-Committee may be required to determine the matter.
- 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.

- 3.3 The Sub-Committee will be asked to move into private session for legal advice regarding this matter.

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 his licence is revoked.

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 Neale 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 Neale, the merits of this case are considered and the Licensing Sub-Committee decide whether Mr Neale 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:

Exempt documents



APPLICATION TO RENEW A LICENCE TO DRIVE A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE

FOR OFFICIAL USE ONLY			
LICENCE NO		3525	
POLICE CHECK		DATE ISSUED	21/01/2009
MEDICAL		DATE EXPIRED	20/01/2010
FEE		RECEIPT NO	
DVLA		EXPIRY DATE	

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, when the applicant reaches 46 years and at 6 year intervals thereafter. At the age of 65 years a medical is required and also annually thereafter.)

		PLEASE AMEND IF INCORRECT	
1. Title: Mr First Names: Christopher Gary			
2. Surname: Neale Date of Birth:		Surname:	D.O.B.:
3. Home Address: 52 Queensway Ringwood Hampshire BH24 1QF			
4. National Insurance No:			
5. Tel No: Fax No:		Tel:	Fax:
6. Mobile: E-MAIL:		Mobile:	E-Mail:
7. I declare that I am, and for at least twelve months prior to the date of application, have been the holder of a licence, not being a provisional licence, under the RTA 1972, authorising me to drive a motor car. The No is: Expiry Date is:		No: Expiry Date:	
8. Last Medical Carried Out: 19/01/2009		Next Medical Required: 19 January 2015	

NOW COMPLETE ALL OF THE FOLLOWING

9. Do you hold similar licences with any other Local Authority? If so, state particulars: Yes No

Licence No: Expiry Date:

Issuing Authority:

10. Present Employer:

Name: Tel No:

How Long Employed:

11. Whilst your current licence is in force have you ever been refused a Private Hire Vehicle/Hackney Carriage Drivers Licence or had one revoked? Yes No

If so, name the Council and give the date:

12. Have you now or have you ever had Epilepsy or attacks of disabling giddiness or fainting or any mental illness or defect or any other disability likely to cause danger to you or others if you drive?

Yes No If yes give details

13. Do you need to wear glasses to correct your vision for driving? Yes No

14. 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

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

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

Date	Court	Offence of which Convicted	Sentence
------	-------	----------------------------	----------

(continue on separate sheet if necessary)

(d) Are you aware of any Police enquiries being made at the present time involving yourself -

Yes No

If yes state nature of enquiries.

CERTIFICATION

I hereby certify that to the best of my knowledge and belief the answers given above are true.

Signed Date 26.10.09

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.

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

Signed Company Brothers Travel Date 23/10/09

+ Current convictions: Certain convictions are deemed to be 'spent' under the Rehabilitation of Offenders Act 1974. You are under no obligation to disclose these.

The District Council are dependent upon other agencies supplying information in order to progress this application. The process (including renewals) can take approximately six weeks and you are strongly advised to apply in good time.

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.

The documentation which must accompany the completed application form is: (please tick box when including)

	Yes		Yes
Criminal Records Bureau form, supporting documents and fee	<input checked="" type="checkbox"/>	Medical Certificate as necessary	<input checked="" type="checkbox"/>
Original DVLA Driving Licence displaying the applicant's current address, DVLA mandate and fee	<input checked="" type="checkbox"/>	Passport photograph	<input checked="" type="checkbox"/>
		Driving Assessment (if required)	<input checked="" type="checkbox"/>
		Licence fee	<input checked="" type="checkbox"/>

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)

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.

((t;d,1))

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.