

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

### 1. PURPOSE OF REPORT

- 1.1 Mr Ralph Jones has applied for the grant of a combined hackney carriage and private hire driver's licence. He lives at 32 Camelia Grove, Fair Oak, Eastleigh.
- 1.2 The application is being referred to the Sub-Committee because a personal records check with the Criminal Records Bureau (CRB), has shown that Mr Jones has a criminal offence history.
- 1.3 The Sub-Committee is requested to consider the application and to determine whether Mr Jones 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 Jones' application form is attached as Appendix 1.
- 2.2 Mr Jones' has completed the council's taxi driver Awareness Test.
- 2.3 Mr Jones' has supplied the details of referees who have returned character references for him. These are attached as Appendix 2.
- 2.4 Mr Jones 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 Jones driver's licence is attached as Appendix 3.
- 2.6 The CRB disclosure reveals an unspent conviction for a matter of dishonesty.
- 2.7 The Council's own guidelines relating to the relevance of convictions is attached as Appendix 4.
- 2.8 This guidance infers that for matters of this nature, generally, a period of 3 -5 years free of conviction will be required before entertaining an application.

### 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 Jones fulfils the driver licensing requirements on age and driving experience. He has provided two suitable character references.
- 8.2 There is one criminal matter of concern recorded against Mr Jones.
- 8.3 Mr Jones 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 Jones, the merits of this case are considered and the Licensing Sub-Committee decide whether Mr Jones 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](mailto:paul.weston@nfdc.gov.uk)

#### **Background papers:**

Application form and associated documents



# New Forest

DISTRICT COUNCIL

FOR OFFICIAL USE ONLY

POLICE CHECK		LICENCE NO	
BIRTH CERT		DATE ISSUED	
REFS		DATE EXPIRED	
DVLA		EXPIRY	
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. The information you have provided will be held securely on NFDC's licensing system. Some of the information forms part of the public register. NFDC is under a duty to protect public funds it administers and to this end may share information collected internally for regulatory and verification purposes, 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 the NFDC website: [www.newforest.gov.uk/dppn](http://www.newforest.gov.uk/dppn)

1. Surname JONES First Names RALPH ALEXANDER  
 2. Date of Birth \_\_\_\_\_ Address 32, CAMELIA GROVE FAIR OAK  
EASTLEIGH Post Code SO50 7QR  
 3. Daytime Tel No \_\_\_\_\_ Mobile \_\_\_\_\_ E-mail Address \_\_\_\_\_

4. Particulars of other addresses during past five years

Previous Address	From	To
<u>19, SANDY LAKE FAIR OAK</u> <u>EASTLEIGH SO50 8EQ</u>	<u>1977</u>	<u>2007</u>

(continue on separate sheet if necessary)

6. 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 \_\_\_\_\_

7. 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>UNEMPLOYED</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>JERISON LTD. COMBES SAWMILLS</u> <u>TONNAGE RD EASTLEIGH HANTS.</u>	<u>1998</u>	<u>2009.</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.

11. What driving experience do you have? 35 YRS.

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
17/02/2011	1775 POINTS	SP30	3. POINTS

(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 11/12 2009

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 LYMINGTON TAXIS

Date 10.12. 2009

(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.)

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

APPLICATION FOR REFERENCE

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

Applicant : Ralph Alexander Jones

Address : 32 Camelia Grove Fair Oak Eastleigh Hampshire SO50 7GR

How long has the applicant been known to you? 20 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

As far as I am aware, Ralph Jones is a fit and proper person for you to grant him this licence

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

He is reliable and well liked and has had a great deal of experience in dealing with the general public. This has not only been during his working career but also when he held the positions of



Name : Angela But Title/Profession : HR Adviser

Address: 51 Selhuist Way, Fair Oak, Eastleigh, Hants

Signature : \_\_\_\_\_ Date : 17/12/09

Ralph Jones contd.

Committee Member and Club Secretary  
for his local Social Club I would have no  
hesitation in recommending him to you.

APPLICATION FOR REFERENCE

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

Applicant : Ralph Alexander Jones

Address : 32 Camelia Grove Fair Oak Eastleigh Hampshire SO50 7GR

How long has the applicant  
been known to you?

40 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 HAS BEEN RESPONSIBLE TO US  
AND HAS HAD TO DEAL WITH  
THE GENERAL PUBLIC



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

HE HAS HAD YEARS OF DEALING  
WITH THE PUBLIC WITHOUT  
PROBLEMS

Name : J. J. LEWIS Title/Profession : RETIRED INSURANCE CONSULTANT

Address: THE COTTAGE BY THE LAKE, CHILLING LANE,  
WARRERSH SOUTHAMPTON, SO31 9HF

Signature: Date : 16-12-09

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

Minicom only:  
 01792 766366



SHEET 01 FOR DRIVER NUMBER:  
 NAME AND ADDRESS      RALPH ALEXANDER JONES  
 -----  
                                  32 CAMELIA GROVE  
                                  FAIR OAK  
                                  EASTLEIGH                              S050 7GR

CURRENT IMAGE  
 -----

OUR RECORDS SHOW THE DATA SUBJECT IS THE HOLDER OF A FULL LICENCE  
 THE NUMBER OF THE LAST LICENCE ISSUED IS 39 A  
 PLACE OF BIRTH    UNITED KINGDOM  
 LAST LICENCE ISSUED  
 -----

CARD ISSUE DATE    11 12 2007  
 CARD EXPIRY DATE    10 12 2017  
 PHOTO EXPIRY DATE    10 12 2017

CATEGORIES	DATE FIRST ISSUED	EXPIRY DATE	INFORMATION CODES
-----	-----	-----	-----
FULL A	< 14 11 1974		
FULL B	< 14 11 1974		
FULL BE	< 14 11 1974		
FULL B1	< 14 11 1974		
FULL C1	< 14 11 1974		
FULL C1E	< 14 11 1974		107
FULL D1	< 14 11 1974		101
FULL D1E	< 14 11 1974		101 119
FULL FKLNP	<14 11 1974		
PROV GH	14 11 1974		





**SHEET 02 FOR DRIVER NUMBER:  
PREVIOUS LICENCE**

-----  
ENTITLEMENT FULL  
DATE OF COMMENCEMENT 11 11 1977  
DATE OF EXPIRY  
CATEGORIES PASSED AD  
EXPLANATION OF INFORMATION CODES  
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101 NOT FOR HIRE OR REWARD  
107 NOT MORE THAN 8250KG  
119 WEIGHT LIMIT DOES NOT APPLY  
ID CHECK - UKPS ENQUIRY  
DOCUMENT TRAIL DETAILS  
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DOCUMENT NUMBER	TYPE OF DOCUMENT
743181571836	CONVERSION
773190250544	RENEWAL
821300230903	REPLACEMENT
061230630279	COURT NOTIFICATION
073441870129	REPLACEMENT
100201151188	FEE PAYING ENQUIRY

**PHOTOCARD BARCODES**

-----  
1). 3074921327  
ENDORSEMENT DETAILS  
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CONVICTING COURT CODE	DATE OF CONVICTION	OFFENCE CODE	DATE OF OFFENCE	FINE £.P.	POINTS	ALCOHOL LEVEL	DISQUALIFIED PERIOD YY MM DD	OTHER SENTENCE
1775	FIXED PENALTY	SP30	17 02 06	0.00	03			
END OF RECORD								



## 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, eg. 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.