

APPLICATION FOR GRANT OF A COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE**1. PURPOSE OF REPORT**

- 1.1 Mr Peter Derek Hosey has applied for the grant of a combined hackney carriage and private hire driver's licence. He lives at 16 Round Copse, Dibden, SO45 5WN.
- 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 Hosey has a criminal offence history.
- 1.3 The Sub-Committee is requested to consider the application and to determine whether Mr Hosey 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 Hosey's application form is attached as Appendix 1.
- 2.2 Mr Hosey has completed the council's taxi driver Awareness Test.
- 2.3 Mr Hosey has supplied the details of referees who have returned character references for him. These are attached as Appendix 2.
- 2.4 Mr Hosey 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 Hosey's driver's licence is attached as Appendix 3.
- 2.6 The CRB disclosure reveals an unspent conviction for matters of damage and violence.
- 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 violence, generally, a period of at least 3 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. CONCLUSION

- 7.1 Mr Hosey fulfils the driver licensing requirements on age and driving experience. He has provided two suitable character references.
- 7.2 There are four criminal matters of concern recorded against Mr Hosey.
- 7.3 Mr Hosey 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.

8. RECOMMENDATIONS

- 8.1 That after hearing from Mr Hosey, the merits of this case are considered and the Licensing Sub-Committee decide whether Mr Hosey is a fit and proper person to hold a combined hackney carriage and private hire driver's licence as issued by this local authority.
- 8.2 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



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

1. Surname HOSSEY First Names PETER DEREK
2. Date of Birth _____ Address 16 ROUND COPSE DIBDEN
SOUTHAMPTON HANTS Post Code SO45 5LN
3. Daytime Tel No _____ Mobile _____ E-mail Address _____

4. Particulars of other addresses during past five years

Previous Address	From	To
<u>43 LITTLE HOLBURY CARAVANS</u> <u>LIME KILN LANE HOLBURY</u> <u>SOUTHAMPTON HANTS SO45 2IS</u>	<u>8/04</u>	<u>12/09</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 _____

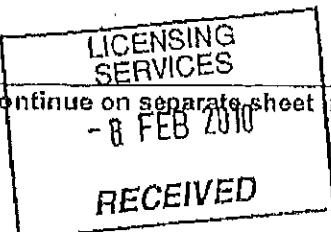
Details of present employment

Name & Address of Present Employer	Date from	Date to
<u>OCADO LTD TITAN COURT</u> <u>3 BISHOP SQUARE</u> <u>HARTFIELD BUSINESS PARK</u> <u>HARTFIELD HARTFORDSHIRE</u> <u>BL10 9NE</u>	<u>28/9/09</u>	<u>PRESENT</u> <u>ON</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>RT PARSONS 1 LOCKS COTTAGES</u> <u>MAIN ROAD DIBDEN SOUTHAMPTON</u> <u>HANTS SO45 5TS</u>	<u>7/84</u>	<u>9/09</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.
NO
11. What driving experience do you have? 7.5 TONS DRIVEN DELIVERY DRIVER
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
10-1-2009	NEW FOREST	ASSAULT	18 MONTHS PROB FINE

(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 8-2-2010

The sum of £ 135 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 _____

(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:
	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



APPLICATION FOR REFERENCE

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

Applicant : Peter Derek Hosey

Address : 16 ROUND COPSE DIBDEN SOUTHAMPTON SO45 5WN

How long has the applicant
been known to you?

27 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

UP UNTIL 2 YEARS AGO. PETER HAD WORKED FOR ME FOR 25 YEARS, BOTH AS A SELF EMPLOYED PERSON AND ON THE CARDS (PAYE) HE WAS VERY HARDWORKING AND RELIABLE AND GOT ON WELL WITH MY CUSTOMERS. IF AGAIN I NEEDED ANY HELP

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

IN ANY MATTER, I FEEL SURE PETER WOULD HELP ME IF POSSIBLE. I STILL SEE HIM NOW & AGAIN AND UNDERSTAND HE ENJOYS SOME DRIVING, SOMETHING HE SAID HE ALWAYS WANTED TO DO.

Name : ROBERT J PARSONS Title/Profession :

Address : 1 LOCKS COTTAGES, MAIN ROAD DIBDEN SOUTHAMPTON SO45 5TS

Signature : Date : 10/5/2010

PIN OK
19/2/10 ✓

LICENSING SERVICES
18 FEB 2010
RECEIVED

APPLICATION FOR REFERENCE

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

Applicant : Peter Derek Hosey

Address : 16 ROUND COPSE DIBDEN SOUTHAMPTON SO45 5WN

How long has the applicant been known to you?

About 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

Pete is a very safe and reliable person. He will help anyone out if he can, even at a drop of a hat. I would employ him again at any time.

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

Pete is very professional, person who can be very approachable and very forward. He works well in a team and alone.

Name : Sarah Porter Title/Profession : Manager

Address : 14A Knightwood Road, Hlythe, Southampton, SO4 5 1.51

Signature : Date : 17.2.10



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 PETER DEREK HOSEY
 ----- 16 ROUND COPSE
 DIBDEN
 SOUTHAMPTON S045 5WN

CURRENT IMAGE

OUR RECORDS SHOW THE DATA SUBJECT IS THE HOLDER OF A FULL LICENCE
 THE NUMBER OF THE LAST LICENCE ISSUED IS 96 A
 PLACE OF BIRTH ENGLAND
 FIRST PROVISIONAL LICENCE ISSUED 26 09 1979
 LAST LICENCE ISSUED

CARD ISSUE DATE 06 11 2008
 CARD EXPIRY DATE 10 10 2012
 PHOTO EXPIRY DATE 10 10 2012

CATEGORIES	DATE FIRST ISSUED	EXPIRY DATE	INFORMATION CODES
-----	-----	-----	-----
FULL B	10 01 1984		
FULL BE	10 01 1984		
FULL C1	10 01 1984		
FULL C1E	10 01 1984		107
FULL D1	10 01 1984		101
FULL D1E	10 01 1984		101 119
FULL FKLNP	10 01 1984		
PROV A	26 09 1979		
PROV GH	26 09 1979		



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

ENTITLEMENT FULL
DATE OF COMMENCEMENT 09 02 1984
DATE OF EXPIRY
CATEGORIES PASSED BP
EXPLANATION OF INFORMATION CODES

101 NOT FOR HIRE OR REWARD
107 NOT MORE THAN 8250KG
119 WEIGHT LIMIT DOES NOT APPLY
DRIVING TEST DETAILS

DATE OF TEST 10 01 1984
CATEGORY B PASSED ON LICENCE
CROSS REFERENCE DETAILS

DRIVER NUMBER
FORENAMES PETER
SURNAME HOSEY
DATE TO BE REMOVED 09 02 1986
DOCUMENT TRAIL DETAILS

DOCUMENT NUMBER	TYPE OF DOCUMENT
792500131390	FIRST APPLICATION
802330030315	RENEWAL
830350270710	RENEWAL
840370261963	EXCHANGE
022831170034	DUPLICATE (PREVIOUS LICENCE REPORTED LOST/STOLEN)
050391006133	REPLACEMENT
083101351566	REPLACEMENT
100481150396	FEE PAYING ENQUIRY

PHOTOCARD BARCODES

1). 4024422808 2). 2019222797 3). 9098121170
ENDORSEMENT DETAILS

NONE HELD ON RECORD
END OF RECORD



APPENDIX 4

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.

L\letters\drivers\Reports