

# Licensing Sub-Committee

## 11 May 2016

<b>Report Title</b>	Application for a Private Hire Vehicle Driver's Licence	
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<b>Originating service</b>	Licensing Services	
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### **Recommendation(s) for action or decision:**

The Licensing Sub-Committee is requested to consider an application for a private hire vehicle driver's licence.

## **1.0 Purpose**

- 1.1 The Licensing Sub-Committee is requested to consider an application for a private hire vehicle driver's licence having regard to the applicant's convictions as attached at Appendix A to this report.

## **2.0 Background**

- 2.1 On 25/07/2012 the Licensing Committee approved a revised decision making process. These arrangements delegated certain non-strategic decisions to the Head of Regulatory Service, Service Managers and Section Leaders from Licensing Services from within the Regulatory Services Division.
- 2.2 Amongst the decisions delegated is the authority to consider new applications for hackney carriage and private hire vehicle, driver and operator licences and reviews of existing hackney carriage and private hire vehicle, driver and operator licences and to action the matter in accordance with the "Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions".
- 2.3 Where decisions are made which are contrary to the guidelines or where the matter is referred to the Licensing Sub-Committee reasons will be given.

## **3.0 Legal implications**

- 3.1 The provision of Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Council significant powers to grant or refuse applications submitted for private hire vehicle driver's licences.
- 3.2 Section 51 states that a district council shall, on receipt of an application from any person for the grant to that person of a licence to drive a private hire vehicle grant to that person a driver's licence.

However, a district council shall not grant a licence:

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or
- (b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of application for a driver's licence so authorised.  
[JB/04052016/V]

## **4.0 Human Rights Act/Equalities implications**

- 4.1 By virtue of the Human Rights Act 1998 it is unlawful for the Council to act in a way incompatible with a right set out in the European Convention of Human Rights. A victim of any such act or omission may claim damages and compensation against the Council. The First Protocol – Article 1 provides:

- (i) “Every natural and legal person is entitled to the peaceful enjoyment of his possessions”.
- (i) “No person shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law”.

4.2 This is relevant to the power to grant or refuse licences and also to decisions to suspend or revoke existing licence and the decision affects the applicant or licence holder’s right to engage in business. Councillors must therefore consider the proportionality of any decision based upon the need to uphold standards and to reflect the seriousness of any failure to live up to such standards. The purpose of entrusting the Council with the power to grant licences is so that the public will be provided with a suitable and safe service.

## **5.0 Financial implications**

5.1 Licensing Committee agreed fees and charges for this function on 20 January 2016; the fees are based on a cost recovery basis over a three year period. The fee for this application is £77 and is non-refundable. [TT/06012016/P]

## **6.0 Environmental implications**

6.1 There are no direct environmental implications. However the Council has a duty to ensure that every person who holds a private hire vehicle driver’s licence is deemed to be “fit and proper”. This helps to ensure a safer local environment for residents of and visitors to the City.