

Licensing and Control Committee A

Date:	29 June 2015
Time:	6:30pm
Venue:	Gordon Room, Stoke Abbott Road

Committee Membership: Councillors Paul High (Chairman), Diane guest (Vice Chairman), Vic Walker, Mary Lermite, Joshua High, Joan Bradley, Edward Crouch, Sean McDonald, Louise Murphy, Michael Cloake, Keith Bickers, Callum Buxton, Tom Wye, Norah Fisher, Susan Jelliss

Agenda

Part A

1. **Declarations of Interest / Substitute Members**

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

2. **Confirmation of Minutes**

To approve the minutes of the Licensing and Control Committee A meeting of held on the 17 March 2015, copies of which have been previously circulated.

3. Public Question Time

To receive any questions from Members of the public in accordance with Standing Order 11.2

(Note: Public Question Time will operate for a maximum of 30 minutes.)

4. Exclusion of the press and Public

In the opinion of the Proper Officer the press and public should be excluded from the meeting for consideration of the following item. Therefore the meeting is asked to consider passing the following resolution:

‘that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting from the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12 A to the Act indicated against the item.’

Part B - Not for publication - Exempt Information Reports

5. Local Government (Miscellaneous Provisions) Act 1976 Determination of a Review of a Private Hire Licence

To consider a report by the Director for Communities, copy attached as item 5

6. Local Government (Miscellaneous Provisions) Act 1976 Determination of a new application for a Private Hire Driver’s Licence

To consider a report by the Director for Communities, copy attached as item 6

7. Local Government (Miscellaneous Provisions) Act 1976 Determination of a new application for a Private Hire Driver’s Licence

To consider a report by the Director for Communities, copy attached as item 7

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Chris Cadman-Dando Democratic Services Officer 01903 221364 chris.cadman-dando@adur-worthing.gov.uk	Caroline Perry Solicitor 01903 221086 caroline.perry@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



**29 June 2015
Licensing Committee A
Agenda Item 5
Ward: N/A**

**Local Government (Miscellaneous Provisions) Act 1976
Determination of a Review of a Private Hire Licence**

Report by the Director for Communities

Private Hire Driver Licence Holder: Mr Richard Hanks
HC Licence No: PD7517
Address: 78 Westlake Gardens Worthing BN13 1LF

1.0 Summary

- 1.1 Members are requested to consider what action, if any, should be taken against the holder of a Private Hire Driver's licence following 3 separate Road Traffic offences.
- 1.2 Worthing Borough Council has adopted powers under the Local Government (Misc. Prov.) Act 1976 to license Private Hire drivers. Under the act the council is required not to issue a licence to any person unless it is satisfied that an individual is a "fit and proper" person.
- 1.3 Under the act the council also has the power to suspend, revoke or refuse to renew the licence of a Hackney Carriage driver or Private Hire driver if the individual's circumstances or conduct have changed since the grant of the licence.
- 1.4 Due to 9 penalty points being endorsed on Mr Hanks' driving licence the matter was referred to the Senior Licensing officer for consideration but it was deemed appropriate that any decision regarding Mr Hanks' suitability should be taken by the Licensing & Control Committee. Referral (Appendix A)

2.0 Background

- 2.1 Mr Hanks holds a Private Hire Driver Licence issued by this authority.
- 2.2 Mr Hanks' DVLA drivers licence currently shows three convictions for exceeding the statutory 30 speed limit on a public road:
 - **17 April 2014** - 3 penalty points - £100 fine
 - **22 June 2014** – 3 penalty points - £100 fine
 - **19 October 2014** – 3 penalty points - £100 fine

Due to 9 penalty points being endorsed on Mr Hanks' driving licence in such a relatively short period it is deemed appropriate that any decision regarding Mr Hanks' suitability to hold a Private Hire Drivers Licence should be taken by the Licensing & Control Committee.

- 2.2 Mr Hank's has held a Private Hire driver licence for over 10 years and prior to 2014 the last 3 penalty points on his licence, for a driving offence (exceeding the statutory speed limit), was in April 2011 and is no longer an endorsement on his driving licence.

3.0 Proposals

- 3.1 The Committee is invited to make a decision on whether Mr Hanks is a fit and proper person to hold a Private Hire Driver licence
- 3.2 Members are invited to review all the information detailed on this report and are requested to consider Mr Hanks' licence and any representations Mr Hanks may make verbally and in writing. Members may seek from him any matters they feel relevant. (Appendix B – Written representation)
- 3.3 Members are invited to consider whether in light of his motoring convictions Mr Hanks is a fit and proper person to continue to hold a Private Hire Driver licence and if any action is appropriate. When reviewing this private hire driver licence the following options are available to the Committee:
- a. Take no action
 - b. Issue a formal warning
 - c. Suspend the licence
 - d. Revoke the licence
- 3.4 Members are requested to give reasons for the decision.
- 3.5 In the case of a revocation Mr Hanks would have a right of appeal against the Committee's decision to the courts. A right which must be exercised within 21 days of being notified of that decision.

4.0 Legal

- 4.1 The Council has a statutory duty when considering applications for Private Hire driver's licences in accordance with Section 61 (a) Local Government (Miscellaneous Provisions) Act 1976 which states:

The Council may suspend, revoke or refuse to renew a licence if:

- (a) That since the grant of the licence
 - (i) Been convicted of an offence involving dishonesty, indecency or violence
- (b) Any other reasonable cause

A suspension or revocation of the licence shall take effect at the end of the period of 21 days beginning with the day notice is given to the licence holder, unless the

interests of public safety require the suspension or revocation of the licence with immediate effect.

- 4.2 When determining licensing policies and applications, the principles of the Human Rights Act 1998 must be taken into consideration. The convention rights of both individuals and members of the public as a whole will be given due weight, after a careful balancing exercise has been carried out. The Act acknowledges that local authorities are entitled, amongst other things, to act where this is in the “general interest”.
- 4.3 Members must consider each licensing issue on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Local Government (Miscellaneous Provisions) Act 1976. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 4.4 All applications, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities
- 4.5 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all licensing matters. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and authorities particularly the Police.

5.0 Financial implications

- 5.1 There are no financial implications for the Council

6.0 Recommendation

- 6.1 **Members are requested to ‘Review’ Mr Richard Hanks’ Private Hire driver licence based on the facts disclosed and any representations made by him:**
 - I. **Consider his conduct and determine whether he is a fit and proper person to hold a driver’s licence.**
 - II. **Give reasons for their decision.**

John Mitchell
Director for Communities

Principal Author & Contact Officer:

Teresa Bowley

Licensing Officer

Commerce Way

Lancing, BN15 8TA

Tel: 01273 263146 or Email: teresa.bowley@adur-worthing.gov.uk

Local Government Act 1972

Background Papers:

- **Appendix A - Referral**
- **Appendix B – Mr Hanks explanation and file note**

Schedule of Other Matters

1.0 Council Priority

1.1 Licensing of taxi and private hire drivers is directly related to public safety issues.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Dealt with in the body of the report.

5.0 Community Safety Issues (Section 17)

5.1 The Council is not obliged to issue a Private Hire Driver's licence to any person unless the Council is satisfied that that person is a 'fit and proper person' to hold that licence. Private Hire Driver's convey the fare-paying public and is expected to comply with all legislative requirements

6.0 Human Rights Issues

6.1 All applicants have the right to expect that their application will be properly and fairly considered. The public have a right to expect the Council to protect them from improper persons being granted a licence.

7.0 Reputation

7.1 The Committee must balance the rights of the individual against and the potential risk to the Council's reputation if it should transpire that the wrong decision has been taken.

8.0 Consultations

8.1 Matter considered and no issues identified

9.0 Risk Assessment

9.1 Financial - The only consequences identified are those associated with the defence of an appeal, or a judicial review, if the applicant were to pursue the application through the courts following a decision by this committee that the applicant regarded as unsound.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified

Appendix A

Worthing
Borough
Council



Taxi / Private Hire Licensing Referral

Applicant Name	Richard Hanks	Date 26 November 2015
Licence number	PD 7517	
Officer	Teresa Bowley	

Renewal Application	<input type="checkbox"/>	New Application	<input type="checkbox"/>	Current licence	Yes
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Private Hire	Yes	Vehicle	<input type="checkbox"/>	Driver	Yes	Operator	<input type="checkbox"/>
Hackney Carriage	<input type="checkbox"/>	Vehicle	<input type="checkbox"/>	Driver	<input type="checkbox"/>		

Criminal Record	<input type="checkbox"/>	Penalty Points	Yes	Breach of Conditions	<input type="checkbox"/>
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Renewal Due Date 19.4.2015	
Offence: 17-4-2014 – Exceeding statutory speed limit on a public road Penalty 3 points Fine £100 22-6-2014 – Exceeding statutory speed limit on a public road Penalty 3 points Fine £100 19-10-2014 – Exceeding statutory speed limit on a public road Penalty 3 points Fine £100	
Circumstances: Explanation letter attached to this referral	
The facts summarised above have been considered by the executive Head of Service, in accordance with the Scheme of Delegated Authorities.	
Decision	
Grant the licence	
Issue advisory	
Issue a warning	
Refer to head of service	
Other decision	
Reason for Decision	
<i>Due to minimal period between offences refer to L&C Committee for consideration.</i>	
Signed	<i>[Signature]</i>
Date	8.04.15.

Appendix B

Richard Hanks
78 Westlake Gdns
BN13 1LF

Dear Madam's

I'm regretful to have to advise you that on 4 2 15 I was endorsed with 3 points for two sp30 offences committed in the area of West Sussex, and yesterday 26 3 15 I also decided not to appeal another sp30 which also means I have received another 3 points totalling 9 points.

Shoreham
offence 1. Driving west along upper ~~Brighton~~ road towards Worthing in the area of Parkslade I was filmed at 36mph. The wagon was parked at the bottom of a hill on the dual carriage way.

offence 2. Driving South towards town centre (Broadwater Rd, by railway bridge) I was recorded at 37mph. The photograph displayed and address given was Furdon Rd, that confused me somewhat. I was going to contest both but decided against it.

offence 3 19 10 2014

Driving east just past Brooklands I admit that I was following the speed of traffic and was recorded at 37mph.

Before the 3 silly offences recorded
I have had no points on my licence for
3 years. I do believe I am a good
careful driver, but now for long term I
will adhere to put more effort into becoming
an even better driver

Regards - sorry for inconvenience
R. Marshall



29 June 2015
Licensing Committee A
Agenda Item 6
Ward: N/A

**Local Government (Miscellaneous Provisions) Act 1976
Determination of a new application for a Private Hire Driver's Licence**

Report by the Director for Communities

1.0 Summary

- 1.1 Members are requested to consider and determine this new application for a Private Hire driver licence made by:

**Mohammed ALI
19 Coleridge Close
Worthing
BN12 6LD**

- 1.2 Worthing Borough Council has adopted powers under the Local Government (Misc. Prov.) Act 1976 to license Private Hire drivers. Under the act the council is required not to issue a licence to any person unless it is satisfied that an individual is a "fit and proper" person.
- 1.3 Due to the details of Mr Ali's application the matter was referred to the Senior Licensing Officer for consideration but it was deemed appropriate that the decision as to whether a licence could be granted, subject to the applicant successfully completing all the required stages, should be taken by the Licensing & Control Committee. Referral – (Appendix A)

2.0 Background

- 2.1 Mr. Khayer completed an application for a new Private Hire driver licence but due to the details on the Disclosure & Barring (CRB) it has been decided to refer his application to this Committee for consideration to allow the council to decide his suitability.
- 2.2 On application Mr Ali declared a driving conviction for driving a vehicle uninsured against a third party risk on 29 September 2011.
- 2.3 A Disclosure & Barring Service check (previously CRB) was requested at the time of application as Mr Ali was unsure on the detail of his criminal convictions. His DBS certificate no. 001478980153 (Appendix B) presented to the council records:

Date: 9.12.1999

Conviction 1.

Offence: 1 Handling Stolen Goods

Conviction: 1. Handling stolen goods (receiving)

Disposal: Conditional discharge 12 months

Date: 26.10.2011

Conviction: 2:

Offence: 1. Being concerned in offer to supply controlled drug class A on 22.7.2010

Disposal: Imprisonment 30 months

Offence 2. Using vehicle while uninsured on 23.11.2010

Disposal: Fine £50 Driving Licence Endorsed Costs £30

Offence: 3. Possessing controlled drug with intent to supply class not specified on 23.11.2010

Disposal: Forfeiture and destruction of Diamorphine Imprisonment 30 months concurrent

Date: 23.9.1998

Caution: 1:

1. Endanger safety of person conveyed or being in or upon the railway on 23.9.1998

3.0 Proposals

- 3.1 The Committee is invited to make a decision on whether Mr Ali is a fit and proper person to hold a Private Hire Driver licence.
- 3.2 Members are invited to consider all the information detailed above and are requested to consider any representation Mr Ali may make verbally and in writing. Members may seek from him clarification on any matters they feel relevant. (Written representation - Appendix C)
- 3.3 When considering this application for a private hire driver licence the following options are available to the Committee:
 - a. Grant the licence, as requested,
 - b. Grant the licence, as requested, with additional conditions as deemed appropriate.
 - c. Refuse the application.
- 3.4 Members are requested to give reasons for the decision.
- 3.5 In the case of a refusal Mr Ali would have a right of appeal against the Committee's decision to the courts. A right which must be exercised within 21 days of being notified of that decision.

4.0 Legal

- 4.1 The Council has statutory duty when considering applications for private hire driver's licences in accordance with Section 51 (a) Local Government (Miscellaneous Provisions) Act 1976 which states:
 - (1) Subject to the provisions of this part of this Act, a Council, Shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a drivers licence:

Provided that the 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

- 4.2 When determining licensing policies and applications, the principles of the Human Rights Act 1998 must be taken into consideration. The convention rights of both individuals and members of the public as a whole will be given due weight, after a careful balancing exercise has been carried out. The Act acknowledges that local authorities are entitled, amongst other things, to act where this is in the "general interest".
- 4.3 Members must consider each licensing issue on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Local Government (Miscellaneous Provisions) Act 1976. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 4.4 All applications, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities
- 4.5 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all licensing matters. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and authorities particularly the Police.

5.0 Financial implications

- 5.1 There are no financial implications for the Council

6.0 Recommendation

- 6.1 **Members are requested to consider and determine the application for a Private Hire driver licence made by Mr Mohammed Ali based on the facts disclosed and any representations made by him. Reasons for their decision should be given.**

**John Mitchell
Director for Communities**

Principal Author & Contact Officer:

Teresa Bowley
Licensing Officer
Commerce Way, Lancing, BN15 8TA
Tel: 01273 236146 or Email: teresa.bowley@adur-worthing.gov.uk

Local Government Act 1972

Background Papers:

Appendix A – Copy of referral 5.05.2015

Appendix B – Copy of DBS 21.08.2015

Appendix C – Copy of Mr Ali's written explanation regarding offences 12.11.2014

Schedule of Other Matters

1.0 Council Priority

1.1 Licensing of taxi and private hire drivers is directly related to public safety issues.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Dealt with in the body of the report.

5.0 Community Safety Issues (Section 17)

5.1 The Council is not obliged to issue a Private Hire Driver's licence to any person unless the Council is satisfied that that person is a 'fit and proper person' to hold that licence. Private Hire Driver's convey the fare-paying public and is expected to comply with all legislative requirements

6.0 Human Rights Issues

6.1 All applicants have the right to expect that their application will be properly and fairly considered. The public have a right to expect the Council to protect them from improper persons being granted a licence.

7.0 Reputation

7.1 The Committee must balance the rights of the individual against and the potential risk to the Council's reputation if it should transpire that the wrong decision has been taken.

8.0 Consultations

8.1 Matter considered and no issues identified

9.0 Risk Assessment

9.1 Financial - The only consequences identified are those associated with the defence of an appeal, or a judicial review, if the applicant were to pursue the application through the courts following a decision by this committee that the applicant regarded as unsound.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.
Appendix A



Taxi / Private Hire Licensing Referral

Applicant Name	Mohammed ALI	5 May 2015
Licence number	New	
Officer	Teresa Bowley	

Renewal Application	<input type="checkbox"/>	New Application	<input checked="" type="checkbox"/>	Current licence	<input type="checkbox"/>
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Private Hire	<input checked="" type="checkbox"/>	Vehicle	<input type="checkbox"/>	Driver	<input type="checkbox"/>	Operator	<input type="checkbox"/>
Hackney Carriage	<input type="checkbox"/>	Vehicle	<input type="checkbox"/>	Driver	<input checked="" type="checkbox"/>		

Criminal Record	<input checked="" type="checkbox"/>	Penalty Points	<input type="checkbox"/>	Breach of Conditions	<input type="checkbox"/>
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Renewal Application Received Not applicable
Renewal Due by Not applicable
<p>Date: 9.12.1999 Offence: 1 Handling Stolen Goods Conviction: 1. Handling stolen goods (receiving) Disposal: Conditional discharge 12 months</p> <p>Date: 26.10.2011 Conviction: 2: 1. Being concerned in offer to supply controlled drug class A on 22.7.2010 Disposal: Imprisonment 30 months</p> <p>2. Using vehicle while uninsured on 23.11.2010 Disposal: Fine £50 Driving Licence Endorsed Costs £30</p> <p>3. Possessing controlled drug with intent to supply class not specified on 23.11.2010 Disposal: Forfeiture and destruction of Diamorphine Imprisonment 30 months concurrent</p> <p>Date: 23.9.1998 Caution: 1: 1. Endanger safety of person conveyed or being in or upon the railway on 23.9.1998</p> <p>Circumstances: Mr Ali has provided a written explanation to the circumstances surrounding his convictions</p> <p>Consideration: The Council has statutory duty when considering applications for private hire driver's licences in accordance with Section 51 (a) Local Government (Miscellaneous Provisions) Act 1976 which states:</p>

**Referral continued
Mohammed ALI**

- (1) Subject to the provisions of this part of this Act, a District Council, shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a drivers licence:

Provided that 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

Home Office Circular 013-1992 offers guidance on the relevance of convictions when considering applications for private hire driver's licences:

A driver maintains a close contact with the public a firm line should be taken with applicants who have convictions for drug offences

A minimum of three years free from convictions should be shown before an application is entertained and even then a strict warning will be administered.

Decision	<p>Grant licence</p> <p>Grant licence with conditions</p> <p>Refuse application with right of appeal to Magistrates court</p> <p>Refer to Sub-Committee ✓</p> <p>Other</p>
Reason for Decision	<p><i>History of serious offending.</i></p>
Signed / Dated	<p><i>[Signature]</i> <i>14.06.15.</i></p>

Enhanced Certificate

Page 1 of 4

Disclosure &
Barring Service

Certificate Number 001478980153

Date of Issue: 10 MARCH 2015

Applicant Personal Details

Surname: ALI
Forename(s): MOHAMMED ABU
Other Names: MIAH, MAKHON
Date of Birth: 12 MARCH 1982
Place of Birth: SUNAMGONJ BANGLADESH
Gender: MALE

Employment Details

Position applied for:
CHILD AND ADULT WORK FORCE PRIVATE HIRE-DRIVER

Name of Employer:
WORTHING BOROUGH COUNCIL

Countersignatory Details

Registered Person/Body:
WORTHING BOROUGH COUNCIL

Countersignatory:
MARILYN WEIR

Police Records of Convictions, Cautions, Reprimands and Warnings

Surname:	MIAH	Last known occupation:	CHEF
Forename(s):	MAKHON	Alias Name(s):	NONE RECORDED
Gender:	MALE	Alias Date of Birth:	NONE RECORDED
Birth Details:	12 MARCH 1982 BANGLADESH		

Conviction Details

Conviction:	Date of Conviction:	Court:
1	09 DECEMBER 1999 MIAH, MAKHON Offence: 1 HANDLING STOLEN GOODS (RECEIVING) ON 05 OCTOBER 1998 THEFT ACT.1968 S.22(1)	SNARESBROOK CROWN Disposal: CONDITIONAL DISCHARGE 12 MTHS (COURT REF NO. T19990052-1) (INDICTMENT JOINED TO T990100)
Conviction:	Date of Conviction:	Court:
2	26 OCTOBER 2011 MIAH, MAKHON Offence: 1 BEING CONCERNED IN OFFER TO SUPPLY CONTROLLED DRUG - CLASS A ON 22 JULY 2010 MISUSE OF DRUGS ACT 1971 S.4(3)(C) 2 USING VEHICLE WHILE UNINSURED ON 23 NOVEMBER 2010 ROAD TRAFFIC ACT 1988 S.143(2)	CHICHESTER CROWN Disposal: IMPRISONMENT 30 MTHS FINE 50.00 DRIVING LICENCE ENDORSED COSTS 30.00

Conviction details continue...

THIS CERTIFICATE IS NOT EVIDENCE OF IDENTITY

Continued on page 2

Conviction details continue...

Conviction: 2	Date of Conviction: 26 OCTOBER 2011 MIAH, MAKHON Offence: 3 POSSESSING CONTROLLED DRUG.W/ TO SUPPLY.- CLASS NOT SPECIFIED ON 23 NOVEMBER 2010 MISUSE OF DRUGS ACT 1971 S.5(3)	Court: CHICHESTER CROWN Disposal: FORFEITURE AND DESTRUCTION OF DIAMORPHINE IMPRISONMENT 30 MTHS CONCURRENT
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Caution/Reprimand/Warning Details

Caution: 1	Date of Caution: 23 SEPTEMBER 1998 MIAH, MAKHON Offence: 1 ENDANGER SAFETY OF PERSON CONVEYED OR BEING IN OR UPON THE RAILWAY ON 23 SEPTEMBER 1998 OFFENCES AGAINST THE PERSON ACT 1861 S.34	Police Force: METROPOLITAN POLICE
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Information from the list held under Section 142 of the Education Act 2002

NONE RECORDED

DBS Children's Barred List information

NONE RECORDED

DBS Adults' Barred List information

NONE RECORDED

Other relevant information disclosed at the Chief Police Officer(s) discretion

NONE RECORDED

Enhanced Certificate

This document is an Enhanced Criminal Record Certificate within the meaning of sections 113B and 116 of the Police Act 1997.

Use of certificate information

The information contained in this certificate is confidential and all recipients must keep it secure and protect it from loss or unauthorised access. This Certificate must only be used in accordance with the Disclosure and Barring Service's (DBS) Code of Practice and any other guidance issued by the DBS. Particular attention must be given to the guidance in the fair use of the

11/11/2014

Mohammed.A.Ali

19 Coleridge Close
Worthing
West Sussex
BN12 6LD

To who may concern,
Basically, I had been in prison back in 2011 (26/10/11). I had also finished my sentencing in 2012 (04/01/12). I had to go to prison because I was holding class A drugs which actually belonged to a friend of mine, who was a friend of mine back then, and I had got caught with it. I was hanging around with the wrong people and crowd back then and was pressured into it too. Since I've been released, I know in my mind and heart that I've learnt my lesson and am now not in contact with the people who pushed into bad things anymore. I'm gravely regretting the fact I thought they were my friends. When I was a taxi driver in Worthing, working at A2B for seven years, I never did the things I was pressured into. I would really appreciate it if I got another chance to be a taxi driver again. This is what I believe I'm the best at, being a good driver. I would really love another opportunity to be a taxi driver again, In February 2014; I had gotten married and have changed immensely since my wife is due to have a baby soon. I come from a good family, my brother works at Hackney.
So please May I have at least one more chance?

Thank you.

Mohammed.A.Ali



12-11-2014



29 June 2015
Licensing Committee A
Agenda Item 7
Ward: N/A

**Local Government (Miscellaneous Provisions) Act 1976
Determination of a new application for a Private Hire Driver's Licence**

Report by the Director for Communities

1.0 Summary

- 1.1 Members are requested to consider and determine this new application for a Private Hire driver licence made by:

**Mahfouz KHAYER
101 Ham Road
Worthing
BN11 2QT**

- 1.2 Worthing Borough Council has adopted powers under the Local Government (Misc. Prov.) Act 1976 to license Private Hire drivers. Under the act the council is required not to issue a licence to any person unless it is satisfied that an individual is a "fit and proper" person.
- 1.3 Due to the details of Mr Khayer application the matter was referred to the Senior Licensing Officer for consideration but it was deemed appropriate that the decision as to whether a licence could be granted, subject to the applicant successfully completing all the required stages, should be taken by the Licensing & Control Committee. Referral – (Appendix A)

2.0 Background

- 2.1 Mr. Khayer completed an application for a new Private Hire driver licence but due to the details on his application and medical it has been decided to refer his application to this Committee for consideration to allow the council to decide his suitability.
- 2.2 On application Mr Khayer declared 2 driving offences 25 July 2014:
Driving otherwise than in accordance with a licence and using a vehicle uninsured against third party risks. Convicted 12 January 2015 driver licence endorsed 6 penalty points and Fine of £147
- 2.3 Mr Khayer has provided an explanation to the points (Appendix B)

- 2.4 Mr Khayer spoke with the licensing officer regarding the family emergency, the family business was in trouble and the phone needed to be answered to take orders at the family restaurant / take-away
- 2.5 A medical report from Mr Khayer general practitioner has provided additional notes regarding a psychotic disorder attached to this report. (Appendix C)
- 2.6 Mr Khayer has provided an explanation regarding his medical report. (Appendix D)

3.0 Proposals

- 3.1 The Committee is invited to make a decision on whether Mr Khayer is a fit and proper person to hold a Private Hire Driver licence.
- 3.2 Members are invited to consider all the information detailed above and are requested to consider any representation Mr Khayer may make verbally and in writing. Members may seek from him clarification on any matters they feel relevant. (Written representation - Appendix B and D)
- 3.3 When considering this application for a private hire driver licence the following options are available to the Committee:
- a. Grant the licence, as requested,
 - b. Grant the licence, as requested, with additional medical screening or conditions as deemed appropriate.
 - c. Refuse the application.
- 3.4 Members are requested to give reasons for the decision.
- 3.5 In the case of a refusal Mr Khayer would have a right of appeal against the Committee's decision to the courts. A right which must be exercised within 21 days of being notified of that decision.

4.0 Legal

- 4.1 The Council has statutory duty when considering applications for private hire driver's licences in accordance with Section 51 (a) Local Government (Miscellaneous Provisions) Act 1976 which states:
- (1) Subject to the provisions of this part of this Act, a Council, Shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a drivers licence:

Provided that the 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
- 4.2 When determining licensing policies and applications, the principles of the Human Rights Act 1998 must be taken into consideration. The convention rights of both individuals and members of the public as a whole will be given due weight, after a careful balancing exercise has been carried out. The Act acknowledges that local

authorities are entitled, amongst other things, to act where this is in the “general interest”.

- 4.3 Members must consider each licensing issue on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Local Government (Miscellaneous Provisions) Act 1976. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 4.4 All applications, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities
- 4.5 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all licensing matters. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and authorities particularly the Police.

5.0 Financial implications

- 5.1 There are no financial implications for the Council

6.0 Recommendation

- 6.1 **Members are requested to consider and determine the application for a Private Hire driver licence made by Mr Mahfouz KHAYER based on the facts disclosed and any representations made by him. Reasons for their decision should be given.**

John Mitchell
Director for Communities

Principal Author & Contact Officer:

Teresa Bowley
Licensing Officer
Commerce Way
Lancing
BN15 8TA
Tel: 01273 236146
Email: teresa.bowley@adur-worthing.gov.uk

Local Government Act 1972

Background Papers:

- Appendix A – Copy of referral
- Appendix B – Mr Khayer Driving conviction explanation
- Appendix C – Medical Report

Appendix D - Mr Khayer Medical Explanation

Schedule of Other Matters

1.0 Council Priority

1.1 Licensing of taxi and private hire drivers is directly related to public safety issues.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Dealt with in the body of the report.

5.0 Community Safety Issues (Section 17)

5.1 The Council is not obliged to issue a Private Hire Driver's licence to any person unless the Council is satisfied that that person is a 'fit and proper person' to hold that licence. Private Hire Driver's convey the fare-paying public and is expected to comply with all legislative requirements

6.0 Human Rights Issues

6.1 All applicants have the right to expect that their application will be properly and fairly considered. The public have a right to expect the Council to protect them from improper persons being granted a licence.

7.0 Reputation

7.1 The Committee must balance the rights of the individual against and the potential risk to the Council's reputation if it should transpire that the wrong decision has been taken.

8.0 Consultations

8.1 Matter considered and no issues identified

9.0 Risk Assessment

9.1 Financial - The only consequences identified are those associated with the defence of an appeal, or a judicial review, if the applicant were to pursue the application through the courts following a decision by this committee that the applicant regarded as unsound.

10.0 Health & Safety Issues

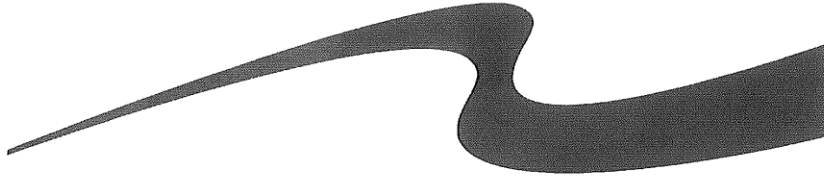
10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.
Appendix A



Taxi / Private Hire Licensing Referral

11 February 2015

Applicant Name	Mahfouz Khayer
Licence number	
Officer	Marilyn Weir

Renewal Application	<input type="checkbox"/>	New Application	<input checked="" type="checkbox"/>	Current licence	<input type="checkbox"/>
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Private Hire	<input checked="" type="checkbox"/>	Vehicle	<input type="checkbox"/>	Driver	<input checked="" type="checkbox"/>	Operator	<input type="checkbox"/>
Hackney Carriage	<input type="checkbox"/>	Vehicle	<input type="checkbox"/>	Driver	<input type="checkbox"/>		

Criminal Record	<input type="checkbox"/>	Penalty Points	6	Breach of Conditions	<input type="checkbox"/>
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Renewal Application Received 21/1/15

Renewal Due by

Date: 25/7/14

Offence: LC20 Driving without a licence
IN10 Driving without insurance

Circumstances: . Driving without licence and insurance due to family emergency – please see attached letter from applicant

Consideration			
<p>Please also note the applicant suffered a psychotic attack in May 2014 due to a high level of cannabis use. He surrendered his licence to the DVLA due to the attack. He is now in possession of a full driving licence. Please see his written explanation. Also attached his medical report with a note from his doctor regarding this incident – the doctor feels that he is fit to drive. <i>Currently</i></p> <p>Please also note the applicant has yet to complete his BTEC course and knowledge test. These would have to be completed before he was issued with a private hire drivers licence</p>			
Decision	<p>The facts summarised above have been considered by the executive Head of Service, in accordance with the Scheme of Delegated Authorities.</p> <p>Grant the licence</p> <p>Grant the licence with advisory</p> <p>Refer to the licensing Sub – Committee for a decision</p> <p>Other decision</p>		
Reason for Decision	<p><i>Serious driving offences with insufficient mitigating evidence. Admitted drug use and psychotic disorder in May 2014.</i></p>		
Signed	<i>[Signature]</i>	Date	<i>8.04.15.</i>

B

Mahfouz Khayer
101 ham road
Worthing
West sussex
Bn11 2qt
07762078335

Dear sir/madam,

I am writing this letter regarding my points on my licence. I am aware that this may affect the decisions of being accepted as a taxi driver and receiving my private hire license.

I have received 6 points on my license due to committing a traffic offence that was because of a family emergency. What happened was I was charged with driving without a licence, at the time the offence was committed I was waiting for my licence to come through, I only needed to drive from point a-b due to a serious matter. I have been charged with all the offence committed and is now in the past.

I hope these points do not affect me from applying for my taxi licence. And my reasons would be considered and taken fairly into account.

Yours sincerely Mahfouz Khayer

Appendix C

Medical Report

Notes

Standards for Hackney Carriage and Private Hire drivers are higher than for social and domestic car drivers. You will have to comply with DVLA group 2 standard and specific conditions may prevent you from obtaining or holding a licence. If you are in any doubt you should contact the licensing officer for further advice.

For the applicant

This report is to be completed by your own G.P for your First Application and also required on Renewal of the licence every 3 years thereafter up to the age of 60. After 60 the report will be required annually.

If at any time you have a medical condition that requires further investigation and monitoring you may be required to have this form completed outside the same schedule as drivers of a similar age.

1. Please complete Part A of this document make an appointment with your GP and take this form with you when you attend your arranged GP appointment.
2. Any fee charged is payable direct to your own GP or practise. Worthing Borough Council has **NO** responsibility for the fee payable to the GP.
3. Do not detach any part of the completed form but return it to the licensing officer at Worthing Borough Council either before or on your appointment.
4. Copies will not be accepted

For the Medical Practitioner

1. A medical will only be accepted from the applicants own medical practitioner or partner who has access to the applicants medical records.
2. Any fee applicable should be charged to the applicant
3. When completing this medical report please have regard to the "At a Glance Guide to the Current Medical Standards of Fitness to Drive" issued by the Drivers Medical Unit DVLA Swansea edition 2013 and any subsequent amendments.
4. Please complete Part B answering all questions. Use section 7 if you want to add anything or use a separate sheet of paper.
5. The completed form is to be returned to the applicant.

Part A - Information about the applicant

1. Full Name (BLOCK CAPITALS) MAHFOUZ KHAYER
2. Address 101 HAM ROAD
WORTHING
WEST SUSSEX Post Code BN11 2QT
3. Date of Birth 10/03/1993
4. If you have been registered with the GP carrying out the examination for less than two years, give the name and address of the GP you were registered with below.
Name _____
Address _____
Post Code _____
5. I hereby consent to the Medical Advisor to the licensing Authority receiving reports from my doctors and specialists about my medical condition.
Applicants Signature [Signature] Date _____
Signed in the presence of the GP who completes the report in part B

Part B – Medical Report to be completed by GP

Section 1 Vision

- a. Is the visual acuity as measured by the Snellen chart at least 6/9 in the better eye and at least 6/12 in the other? YES NO
- b. If corrective lenses have to be worn to achieve this standard,
- i) Is the **UNCORRECTED** acuity at least 3/60 in the **LEFT** eye?
 - ii) Is the **UNCORRECTED** acuity at least 3/60 in the **RIGHT** eye?
- (3/60 being the ability to read the top line of the Snellen Chart at 6 metres)

- c. Please state all the visual acuities for all applicants measured:

UNCORRECTED		CORRECTED (if applicable)	
Left	Right	Left	Right
6/9	6/6		

- d. If there is NO degree of vision whatsoever in one eye, on what date did the applicant become monocular or develop sight in one eye only? _____

Section 1 Vision continued

- | | | YES | NO |
|----|---|-------------------------------------|-------------------------------------|
| e. | Is there documented evidence of a pathological field defect e.g. hemianopia, scotoma, or quadrantanopia | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. | Is there full binocular field of vision on confrontation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. | Is there uncontrolled diplopia? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Section 2 Nervous System

- | | | | |
|---|---|--------------------------|-------------------------------------|
| a. | Has the applicant a "liability to epileptic seizures"? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Does the applicant suffer from epilepsy? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Is there a history of a sudden and disabling episode or episodes of unexplained impaired consciousness within the past 5 years? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Is there a history of stroke, TIA or vertebrobasilar insufficiency within the past 5 years? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Is there a history of uncontrolled Meniere's disease or other causes of sudden disabling vertigo within the last 2 years? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. | Is there evidence, with documented signs of neurological or cognitive impairment, of multiple sclerosis? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. | Is there Parkinson's Disease or other muscle or movement disorder likely to affect vehicle control? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. | Is there a history of brain surgery since the last licence was issued? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. | Is there a history of serious head injury associated with an intra-cerebral haematoma or compound depressed skull fracture since the last licence was issued? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>(Note: in the case of a first applicant for licence please answer h and i above)</i> | | | |
| j. | Is there a history of brain tumour, either benign or malignant, primary or secondary? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Section 3 Diabetes Mellitus

- | | | | |
|----|---|--------------------------|-------------------------------------|
| a. | Does the applicant have diabetes mellitus?
If 'Yes' please answer the following questions.
If 'No' proceed to Section 4 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Is the diabetes managed by: | | |
| | i) insulin? If 'Yes' date started insulin? _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | ii) oral hypoglycaemic agents and diet? | <input type="checkbox"/> | <input type="checkbox"/> |
| | iii) diet only? | <input type="checkbox"/> | <input type="checkbox"/> |
| c. | Is the diabetic control generally satisfactory? | <input type="checkbox"/> | <input type="checkbox"/> |
| d. | Is there evidence of: | | |
| | i) Loss of visual field? | <input type="checkbox"/> | <input type="checkbox"/> |

Section 3 Diabetes Mellitus continued

	YES	NO
ii) Severe peripheral neuropathy?	<input type="checkbox"/>	<input type="checkbox"/>
iii) Significant impairment of limb function or joint position sense?	<input type="checkbox"/>	<input type="checkbox"/>
iv) Uncontrolled episodes of hypoglycaemia?	<input type="checkbox"/>	<input type="checkbox"/>
v) Complete loss of warning symptoms of hypoglycaemia?	<input type="checkbox"/>	<input type="checkbox"/>

Section 4 Psychiatric Illness

	YES	NO
a. Has the applicant suffered or required treatment for a psychotic illness in the past 3 years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Has the applicant required treatment for a psychoneurotic disorder with psychotropic medication within the past 6 months?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If 'Yes' i. does the medication cause side effects likely to affect driving ability?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. is the condition stable or resolved	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Is there confirmed evidence of dementia?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. In the past 3 years:		
i) is there a history of continued alcohol abuse or alcohol dependency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) is there a history of illicit drug or substance use or dependency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

please see additional notes section

If 'Yes' to either i or ii please give dates/details of alcohol intake or type of illicit drug, treatment and compliance with advice

Section 5 General

a. Has the applicant a significant disability of the spine or limbs which is likely to interfere with the efficient discharge of his/her duties as a vocational driver?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Is there a history within the past two years of bronchogenic or other malignant tumour with a significant liability to metastasise cerebrally?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) If 'Yes' please give dates and diagnosis and state whether there is current evidence of dissemination:		
<hr/>		
c. Is there serious difficulty preventing adequate communication by telephone in an emergency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section 6 Cardiac

		YES	NO
a. Coronary artery disease			
Is there a history, or evidence, of:			
i)	angina pectoris or heart failure (whether or not maintained symptom free by the use of medication)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	myocardial infarction / any episode of unstable angina?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	coronary artery by-pass graft (CABG) /	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	coronary artery by-pass graft (CABG) / coronary angioplasty?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If 'Yes' to i, ii or iii please give details / dates _____			

v)	Has a resting ECG been performed previously?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	If 'Yes' did it show pathological Q waves present in 3 leads or more, or left bundle branch block?	<input type="checkbox"/>	<input type="checkbox"/>

Date ECG performed _____

(A sight of the ECG tracing would be most helpful)
Please note that an ECG does not need to be undertaken for this examination.

b. Other vascular disorders			
Is there a history, or evidence, of:			
i)	aortic aneurysm, thoracic or abdominal, with a transverse diameter of 5cm or more (whether or not it has been repaired)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	confirmed symptomatic peripheral arterial disease?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	any other significant vascular disorder (i.e. Marfans)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

c. Cardiac arrhythmia and heart block			
Is there a history, or evidence, of:			
i)	Significant disturbance of cardiac rhythm within the past 5 years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If 'Yes' please give details _____

ii)	pacemaker or cardioverter defibrillator insertion?	<input type="checkbox"/>	<input type="checkbox"/>
-----	--	--------------------------	--------------------------

Section 6 Cardiac continued

- | | | YES | NO |
|---|---|--------------------------|-------------------------------------|
| d. Blood Pressure | | | |
| i) | Is the casual blood pressure reading (to the nearest 5mm mercury) greater than 200 systolic or over or 110 diastolic or over? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) | Is there a history, or evidence, of established hypertension, with BP readings consistently greater than 180 systolic or over, or 100 diastolic or over? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Acquired valvular heart disease | | | |
| i) | Is there a history, or evidence, of acquired valvular heart disease, with or without heart valve replacement? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Other cardiac conditions | | | |
| i) | Is there a history, or evidence, of established cardiomyopathy, heart or lung transplant, cardiac surgery other than above, or significant congenital heart disorder? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Section 7 General Matters

- | | | | |
|-------|---|-------------------------------------|-------------------------------------|
| a. | Is the applicant in your opinion generally fit as regards bodily health and temperament for the duties of a hackney carriage or private hire driver | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. | Is there any abnormality present that is not covered by the previous questions? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. c. | Do you consider that a further examination is necessary? (If so, in what period of time?) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Do you consider the applicant fit to act as a driver of a hackney carriage or private hire vehicle? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Any additional notes:

Mild relapse of psychotic disorder in May 2014. Restarted on medication for this. Stopped the medication in October. Discussed with his consultant psychiatrist who feels ideally he should have continued the medication for 1 year, but is happy for him to continue off the medication as he is stable and they will see him for regular review. He feels that Mr Khayer is fit to drive a taxi currently.

6
H/L/T/L/F/Medical Report

Section 8 Medical Practitioner Details
(to be completed by Doctor carrying out the examination)

I have taken into account the "At a Glance Guide to the Current Medical Standards of Fitness to Drivers issued by the Drivers Medical Unit Swansea" and I hereby state that in my opinion the applicant meets the required standard for Group 2 entitlement

Name NATALIE NEMEK

SURGERY STAMP

Address VICTORIA ROAD SURGERY

50 VICTORIA ROAD

WORTHING, W. SUSSEX

BN11 1XE

~~DR B WOOLLEY~~ DR N. NOVAK.
50 VICTORIA ROAD
WORTHING, SUSSEX BN11 1XE
TEL: 01903 230656

Tel: 01903 230656

Signature (of Medical Practitioner) _____



Date 9.1.15

01273.
520093


Amy
Ross

MAHFOUZ KHAYER

I have had a psychotic attack due to High level of ~~the~~ Cannabis that I have now stopped. I have been of Cannabis for nearly 2 years now.

When I had the attack I thought it was safe to hand in my licence which I did. None of my episode that I have had did not affect my driving. I have been driving fine before and after I handed my licence to DVA with no danger to Me or others around me.

I have now got my licence and I'm legal to drive. I also have a note from the doctor that he feels I'm safe to drive a private hire vehicle.

 21/1/15