SOUTH NORTHAMPTONSHIRE COUNCIL
LICENSING COMMITTEE

APPLICATION FOR A PRIVATE HIRE/HACKNEY CARRIAGE LICENCE RENEWAL – SHAHID ALI

REPORT OF SENIOR LICENSING OFFICER

1. INTRODUCTION

1.1 Legislation requires that the Council must be satisfied that an applicant for a Hackney Carriage or Private Hire Driver’s Licence is a Fit and Proper Person. The Local Government (Miscellaneous Provisions Act) 1976 Sec 61 gives the Local Authority power to suspend or revoke a Hackney Carriage / Private Hire Drivers Licence if since the grant of a licence, a licensed Hackney Carriage Private Hire Driver has been involved in any matter, which may call into doubt his status as a fit and proper person.

1.2 The Councils conditions (shown at Appendix 1) of granting a Licence require among other things, that no driver shall unlawfully ply for hire.

2. INFORMATION

2.1 Mr Shahid ALI of 11 Plantain Court, Walnut Tree, Milton Keynes MK7 7LY. Was granted a joint Hackney Carriage Private Hire Drivers licence on the 14th September 2005 licence number 102, which expired 31st August 2006.

2.2 Mr ALI is the proprietor of a Private Hire vehicle Registration No V431 GNN Private Hire vehicle plate 577 which he drives for Speedline a South Northamptonshire Council licensed operator. Speedline identifies this vehicle as car call sign 130.

2.2 Information was received from the Mr Terry SHULVER Taxi enforcement officers for Milton Keynes Council that, on Saturday 24th June 2006 at approximately 23:20 near the Milton Keynes Bowl venue, a complaint had been received (Appendix 3) by his office that a vehicle licensed by Mr ALI picked up a family from that location and took them to Newport Pagnell. The journey was not pre booked and it is alleged by the complainant that Mr ALI charged £50 for a journey of some 7 miles.

2.3 Having checked with Speedline it was confirmed that Mr ALI was indeed in the area and the system used by Speedline did not show any activity for Mr ALI at the time mentioned. Indeed a copy of Mr ALI’s work was obtained and it is clear he could have completed the journey since his last activity was in Loughton Milton Keynes less than 2 miles from the Bowl. (Appendix 3) Mr ALI is identified on the Speedline system as driver 130.
2.4 On Tuesday 18th July 2006 Mr ALI attended the Council Offices at Towcester and agreed to be interviewed under the PACE code of practice (Police & Criminal Evidence Act 1984) The interview was tape recorded a transcript is attached as (Appendix 4)

2.5 Mr ALI refuted the allegation but could however give no reasonable account of his movements on the evening in question. No record exists of such a journey. Yet there is eyewitness evidence of the journey-taking place.

2.3 As Mr ALI denies the allegation the council’s policy of awarding points for such misdemeanour could not be used. As the Licence has subsequently expired, it is necessary now to consider Mr Ali’s Application as a renewal taking account of the alleged unlawful plying for hire.

2.4 Copies of all the witness statements are attached (appendix 5)

3. RECOMMENDATION (to be resolved by this Committee)

3.1 The Committee is asked to determine whether the applicant is a fit and proper person to hold a licence.

3.3 The driver has a right of appeal within twenty-one days to a magistrate’s court if the licence is not granted.

Paul BUTTELL
Senior Licensing Officer

Wednesday, 21 March 2012

BACKGROUND PAPERS:
1. SNC licensing conditions
2. Penalty Points
3. Copy of complaint sheet to Milton Keynes
4. Copy of Computer Log for vehicle 577 ID No 130 on Speedline system
5. Copy of PACE transcript
6. Copy of witness statements
7. Other documents.

CONTACT OFFICER: Paul BUTTELL (SLO)
Appendix1
SOUTH NORTHANTS COUNCIL CONDITIONS FOR COMBINED PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE

1. Standard of Service

During the period of the licence the driver shall at all times:

(a) Be clean and tidy in appearance.

(b) Afford all reasonable assistance with luggage and be polite and civil.

(c) Not without the consent of the hirer smoke, drink, eat or permit noise emitted by any in-car entertainment unit to the annoyance of the hirer.

(d) Wear at all times when on duty, the drivers badge issued by the Council, in a prominent position when driving the vehicle.

(e) Ensure that when a vehicle has been hired to attend at an appointed time and place the driver shall, unless delayed or prevented by sufficient cause, attend punctually and provide a receipt if requested.

(f) Ensure that any property left in a vehicle is taken to the nearest Police Station within 24 hours.

2. Passengers

(a) The vehicle will only be permitted to carry the number of persons specified on the licence irrespective of whether they are children or not.

(b) The Proprietor shall only allow one passenger to be conveyed in the front of the vehicle unless more than one seat is provided.

(c) The driver may at his discretion, convey passengers, animals or pets in the rear of the Vehicle only provided that this restriction does not apply to guide dogs for the blind.

(d) The driver **SHALL NOT**, without the consent of the hirer of the Private Hire vehicle or Hackney Carriage convey or permit to be conveyed any other person in that Vehicle.

(e) It will be the responsibility of the driver to ensure that all passengers under 14 years of age wear seat belts except when such person is seated in the rear of the vehicle and is separated from the driver by means of a fixed partition.

3. Reference to the Council

A driver must inform the Council of the following in writing within the following periods:

(a) Change of address shall be reported in writing - within 7 days.

(b) Any convictions for any offence incurred by him during the period of the licence shall be reported in writing - within 7 days (includes fixed penalty ticket offences).

(c) Details of any road accident in which the licensed vehicle has been involved in shall be reported in writing - within 72 hours.

(d) Change of Operator shall be reported in writing - within 7 days.
4. **Return of Badge**

A driver must return **BOTH** his badges to the Council as soon as the licence ceases to be in force.

5. **Hiring - Private Hire Vehicles/Hackney Carriages**

The driver of a Hackney Carriage/Private Hire vehicle shall not ply for hire or otherwise: -

(a) Tout or solicit on a road or other public place any person to hire or to be carried for hire in any Hackney Carriage/Private Hire vehicle.

(b) Cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire any Hackney Carriage/Private Hire vehicle.

(c) Offer the vehicle for immediate hire while the driver or that vehicle is on a road or public place.

(d) Accept an offer for the immediate hire of the vehicle whilst on a road or other public place except when such offer is FIRST communicated to the driver by telephone or radio apparatus fitted to the vehicle.

(e) Shall not demand from any hirer of a Private Hire vehicle without a meter, a fare in excess of any previously agreed for that hiring between the hirer and the Operator.

6. **Licence**

The licence holder shall deposit his/her Private Hire/Hackney Carriage drivers licence with the Operator with whom he/she is currently working.

7. **Drivers Identity Badge**

(i) The driver will at all times when on duty wear his identity badge in a prominent position so that it can be easily seen by any passenger.

(ii) The driver must also display a second badge at the top of his front windscreen (above the tax disc) on the nearside of the vehicle

8. **Penalty Points Scheme**

Without prejudice to any other course of action available to the Council, Penalty Points may be issued in accordance with the Council's policy.

9. **Meters - Hackney Carriages**

Before a meter is used it must be inspected and approved by the Council and the following will apply: -

(a) The driver shall ensure that when the vehicle is not undertaking a hired journey no fare is recorded on the face of the meter.

(b) Unless a fee has previously been agreed with the hirer, the driver shall not bring the machinery of the meter into action until the journey commences and then keep the meter in action until the termination of the hiring.
(c) The driver shall cause the meter to be properly illuminated throughout any part of the hiring which is during the hours of darkness and at any other time when requested to do so by the hirer of the vehicle. The driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

(d) The driver must not charge a fee higher than that calculated by the rate of fares set by the Council at the termination of the journey.

(e) If the meter has to be adjusted or repaired the proprietor must inform the Licensing Officer and the vehicle must be presented for inspection by the Council as soon as possible after such repair or adjustment.

(f) Where a meter is fitted in a Private Hire vehicle it must first be inspected and approved by the Council before being taken into use. Condition 9(e) above will apply.

10. Statement of Fares

The driver of a Hackney Carriage shall ensure that a statement of fares or rates of fares currently in force in the Borough shall be displayed at all times and shall not be concealed at any time while the Hackney Carriage is plying, or being used, for hire.

11. Destination

The driver of a Hackney Carriage when hired to drive to any particular destination shall not, without reasonable cause, unnecessarily prolong in distance or in time the journey for which the Hackney Carriage has been hired.

12. Door Signs and Advertisements

No signs of any description shall be displayed anywhere on the vehicle unless previously approved by the Council.

Any door sign displayed on a vehicle must be in the form as originally approved by the Council. It must not be altered in any way and should be displayed only on either one or both FRONT doors of the vehicle.

FAILURE TO COMPLY WITH THE CONDITIONS SET OUT IN THIS DOCUMENT MAY RESULT IN PENALTY POINTS BEING AWARDED AGAINST YOU OR YOUR LICENCE BEING SUSPENDED OR REVOKE
<table>
<thead>
<tr>
<th>Offence/Breach of Condition</th>
<th>Points Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Providing false or misleading information on application form, or failing to provide relevant information.</td>
<td>6*</td>
</tr>
<tr>
<td>2  Driver not holding a current Hackney Carriage / Private Hire Driver Licence.</td>
<td>12</td>
</tr>
<tr>
<td>3  Failure to notify the Council of change of address within 7 calendar days.</td>
<td>3*</td>
</tr>
<tr>
<td>4  Unreasonably prolonging a journey, or over-charging of fares.</td>
<td>4*</td>
</tr>
<tr>
<td>5  Touting / illegally plying for hire.</td>
<td>9*</td>
</tr>
<tr>
<td>6  Failure to display current vehicle excise licence / No vehicle excise licence.</td>
<td>6 - 12</td>
</tr>
<tr>
<td>7  Using unlicensed vehicle or vehicle without insurance.</td>
<td>12</td>
</tr>
<tr>
<td>8  Failure to produce documents within timescale, when requested to do so.</td>
<td>4*</td>
</tr>
<tr>
<td>9  Unsatisfactory condition of interior or exterior vehicle for testing.</td>
<td>4</td>
</tr>
<tr>
<td>10 Failure to produce vehicle for testing when required.</td>
<td>4*</td>
</tr>
<tr>
<td>11 Using a vehicle subject to a suspension order by the Licensing Officer or a Police Officer.</td>
<td>12</td>
</tr>
<tr>
<td>12 Using a vehicle for which the licence has been suspended or revoked.</td>
<td>12</td>
</tr>
<tr>
<td>13 Failure to report within 72 hours an accident or damage to a licensed vehicle.</td>
<td>3</td>
</tr>
<tr>
<td>14 Overloading of licensed vehicle (including exceeding the licensed number of passengers).</td>
<td>6*</td>
</tr>
<tr>
<td>15 Failure to display external licence plate or door sign as required (including not attaching plate in suitable manner).</td>
<td>4*</td>
</tr>
<tr>
<td>16 Carrying an offensive weapon in the vehicle.</td>
<td>3-12</td>
</tr>
<tr>
<td>17 Failure to notify transfer of Private Hire or Hackney Carriage licence</td>
<td>4*</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>18</td>
<td>Failure to provide information on vehicle garaging arrangements.</td>
</tr>
<tr>
<td>19</td>
<td>Failure to have a fully stocked first aid kit and / or working fire extinguisher - correctly fitted and serviced.</td>
</tr>
<tr>
<td>20</td>
<td>Failure to display ‘taxi’ sign on roof of Hackney Carriage (except when used for carrying out or returning from a private booking where part of the journey is outside the District).</td>
</tr>
<tr>
<td>21</td>
<td>Failure to maintain, keep or produce records of private hire bookings, or other documents required to be kept.</td>
</tr>
<tr>
<td>22</td>
<td>Unsatisfactory behaviour or conduct of driver.</td>
</tr>
<tr>
<td>23</td>
<td>Using a non-approved taximeter</td>
</tr>
<tr>
<td>24</td>
<td>Driver not holding a current DVLA licence.</td>
</tr>
<tr>
<td>25</td>
<td>Failure to wear driver’s badge.</td>
</tr>
<tr>
<td>26</td>
<td>Failing to notify change of medical circumstances (all drivers).</td>
</tr>
<tr>
<td>27</td>
<td>Failure to return driver’s badge within 7 days of being requested to do so.</td>
</tr>
<tr>
<td>28</td>
<td>Failure to return vehicle licence plate within 7 days of being requested to do so.</td>
</tr>
<tr>
<td>29</td>
<td>Failure to notify the Council of any motoring or criminal convictions or cautions during period of current licence.</td>
</tr>
<tr>
<td>30</td>
<td>Any other offence not outlined above namely.</td>
</tr>
<tr>
<td>31</td>
<td></td>
</tr>
</tbody>
</table>