Report to Regulatory Panel

Meeting Date:	23rd November 2022
Portfolio:	Finance, Governance and Resources
Key Decision:	No
Within Policy and Budget Framework	NO
Public / Private	Public

Title:	PRIVATE HIRE DRIVER – Driving Unlicensed Vehicle
Report of:	Licensing Manger
Report Number:	GD.66/22

Purpose / Summary:

Emma Wildey is a Licensed Private Hire Driver. Information was received from Cumbria County Council School Transport Service that Ms Wildey used an unlicensed vehicle for a pre-booked journey to fulfil Coast to Coast Operators contract with Cumbria County Council's School Transport. During investigation into the complaint other issues relating to Ms Wildey's Private Hire Vehicle and Private Hire Operator licences. These matters are referred to the Regulatory Panel to consider.

Recommendation:-

To reach a decision from the options available, after hearing the evidence and the response from Ms Wildey in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Enforcement Policy.

Tracking

Executive:	**N/A**
Scrutiny:	**N/A**
Council:	**N/A**

1. LICENSING BACKGROUND

1.1. Emma Wildey has held a Private Hire Driver Licence (PD012) since 11th February 2022 (**Appendix 1**). She also holds a Private Hire Vehicle licence (P615) from 27th May 2022 and a Private Hire Operator Licence (PO034) since 10th March 2022 (**Appendices 2 & 3**).

1.2. Ms Wildey has no penalty points under the Hackney Carriage and Private Hire Licensing Policy on his record.

2. ISSUE TO BE CONSIDERED

2.1. On 19th October 2022 it was brought to the attention of the Licensing Authority from Cumbria County Council School Transport Service that Emma Wildey had used an unlicensed vehicle to undertake a School Contract from Longtown to a primary school approximately 13 miles away on 11th, 12th and 13th October 2022.

2.2. It was alleged that the vehicle with the registration NA08 MVW was used to take one child to school from their home in Longtown on the dates stated. The journey was operated by the Private Hire Operator Coast to Coast. The Licensing Authority were informed that the Operator had confirmed that the journey had been undertaken in an unlicensed vehicle and that the contract between the Local Authority and the Operator for that route had been immediately terminated.

2.3. Emma Wildey was interviewed by the Licensing Manager on 26th October 2022 at the Civic Centre, Carlisle. Ms Wildey admitted that the vehicle NA08 MVW had been used by her on the journeys from Longtown to the school and a return on 11th and 12th October and to the school on the morning of 13th October 2022.

2.4. Ms Wildey stated that as her licensed vehicle had been suspended following its periodical test on 7th October 2022 she had approached the mother of the child and explained the situation and stated that the mother agreed that Ms Wildey could take the child to school in another vehicle “as a family friend” and not as a licensed driver. Ms Wildey stated that it was not her intention to request payment for the journey from her operator who she would invoice at the end of each month.

2.5. Ms Wildey stated that child’s mother took the child to and from school on 10th October and collected her from school on 13th October. Ms Wildey did not inform her Operator of the circumstances or inform him that she was driving an alternative vehicle and would not be claiming for payment.

2.6. Ms Wildey stated that the vehicle belonged to her son Ian Taylor who is the Great-Nephew of Philip Taylor, who currently holds the Operator Licence for Coast to Coast. The vehicle is 14 years old and according to online Gov.uk MOT records

has 138,809 miles recorded on its odometer at its most recent MOT test in September 2022.

2.7. The Regulatory Panel resolved to revoke this Operator Licence at their meeting on 14th September 2022. Mr Taylor subsequently lodged an appeal with North Cumbria Magistrates Court and is able to continue to operate until his appeal is exhausted. (See report GD 47/22 & GD 53/22).

2.8. Mr Taylor was interviewed on 28th October 2022 and provided a copy of the Operator records for Coast to Coast for October 2022. The records stated that on the dates concerned, Ms Wildey had undertook the journeys in the licensed vehicle CK66 CTF and the journey had a Passenger Assistant (DS). Mr Taylor stated that he is now aware that his record does not reflect accurately the journeys on 10th – 13th October 2022 and confirmed that the contract had been terminated by Cumbria County Council.

Private Hire Vehicle

2.9. As stated in paragraph 1.1 Ms Wildey also holds a Private Hire Vehicle Licence (P615) for a Renault Traffic, registration number CK66 CTF. The vehicle was first licensed on 27th May 2022.

2.10. As part of the conditions of the licence, the vehicle is to be tested on a 4 monthly basis by the Council's mechanics. The vehicle was tested on 7th October 2022 and the mechanic failed the vehicle and due to dangerous defects, the licence plate was removed, and the vehicle licence suspended until the vehicle was presented back to the Mechanic with the defects rectified. The inspection sheet from the vehicle can be found in **Appendix 4**.

2.11. The mechanic found the following defects

- No Door Signs Fitted
- Rear row centre seatbelt stalk damaged
- Middle row centre seatbelt stalk damaged
- OSR spring broken

And the following advisories

- OSR plate light inoperable
- Oil level at minimum
- Oil lead at top of engine
- Both front shockers have slight leak
- Screw in OSR tyre

2.12. A body work letter was also issued to Ms Wildey stating that the following must be addressed within 14 days

- NS sliding door and NSR wheel arch scratched
- OSR quarter panel scratched
- NSF wheel trim missing

2.12 The mechanic also failed the vehicle on its interior condition as on its seats and interior were not clean and free from tears and damage.

2.13 Ms Wildey presented the vehicle back to the Council Garage on 17th October 2022 and was passed following rectification of the defects. Only one advisory had been addressed at this point (Oil Level at Minimum).

2.14 The Hackney Carriage and Private Hire Licensing Policy states that the compliance test should not be regarded as a substitute for a regular preventative maintenance. Vehicle proprietors are expected to keep their vehicles in a clean, safe and proper manner always.

Private Hire Operator

2.15 As stated in paragraph 1.1 Emma Wildey was issued a Private Hire Operator Licence on 10th March 2022.

2.16 During the interview on 26th October 2022 Ms Wildey was asked about the bookings she had operated under this licence as Officers would be requesting records. Ms Wildey stated that she had accepted no bookings as an Operator between the date of the licence issued (27th May 2022) to 23rd October 2022 and therefore no records had been kept. She stated that the only work that she had undertaken as a licensed driver was the school contract from Longtown to a primary school approximately 13 miles away.

2.17 During Mr Taylor's interview he stated that he believed that Ms Wildey had undertaken airport runs under her PH Operator licence.

2.18 At its test on 27th May 2022 the mileage of the vehicle was recorded at 80,345 and on 7th October 2022 94,425 (total of 14,080 miles between these dates).

2.19 The school contract is approximately 13 miles each way and between 27th May 2022 and 7th October 2022 there was as total of 54 school days. In order to give an estimated mileage for these journey's a more generous 15 mile is used. This would give a total of 1,620 miles leaving 12,460 miles unaccounted for.

2.20 A PH Vehicle can be used for personal use however over 12,000 is excessive for just over 4 months use when the national average mileage in 2019 was 7,090[1] (pre-pandemic levels).

2.21 Emma's Taxis (Ms Wildey's company) is advertised currently via Yell and Facebook (Emma's Private Taxi Hire) and a comment on the page suggests that Ms Wildey has taken a booking **Appendix 5.**

2.22 A PHO is required to keep a record of every journey they operate detailing:

a) The time and date of the booking.
b) The name and address of the hirer.
c) How the booking was made (i.e.. by telephone, personal call etc.)
d) The time of pick-up.
e) The point of pick-up.
f) The destination.
g) The time at which a driver was allocated to the booking.
h) The registration number and licensing number of the vehicle allocated for the booking.
i) The driver allocated the booking.
j) Remarks (including details of any sub-contract)

2.23 Failure to keep records is an offence under the Local Government (MP) Act 1976 and a breach of the Licence Conditions.

3. PENALTY POINTS

3.1. The Council's Hackney Carriage and Private Hire Licensing Policy 2022-2027 details the Authority's Enforcement arrangements. A Penalty Points System is in place to work in conjunction with other enforcements options. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person.

3.2. Penalty points remain on the licensee's record for two years on a roll forward basis and where 12 or more penalty points have been recorded in any 24 month period

[1] https://www.bymiles.co.uk/insure/magazine/mot-data-research-and-analysis/

the matter will be referred to the Regulatory Panel for consideration on the fitness and propriety of a license holder.

3.3. The conduct of Ms Wildey detailed in this report falls under several misconducts as detailed below amounting to more than 12 points and therefore directly referred to the Regulatory Panel to consider.

Misdemeanour	Points
Using unlicensed vehicle	12
Using a licensed vehicle in a dangerous condition	9
Unsatisfactory condition of vehicle, interior or exterior	4
Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6
Failure to display appropriate door signs	6
Total	37

4. LEGAL COMMENTS & LEGISLATION

Private Hire Driver

4.1 Sections 51& 59 of the Local Government (Miscellaneous Provisions) Act 1976 provide that a licensing authority shall not grant a Private Hire or Hackney Carriage Driver's Licence unless it is satisfied that the applicant is a fit and proper person to hold such a licence (Appendix 2). Section 61(1)(b) enables the Panel to take action in respect of a Driver on the ground of "any other reasonable cause" (Appendix 3).

4.2 While there is no statutory definition of 'fit and proper person', the Courts have given helpful guidance over the years and it is established that the objectives of the licensing regime are intended to ensure that licensed drivers are "suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers" (*McCool –v- Rushcliffe Borough Council [1998]).*

Private Hire Operator

4.3 Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may suspend or revoke an operator's licence on the following grounds:

(a) any offence under, or non-compliance with, the provisions of this Act;

(b) any conduct on the part of the operator which appears to the district council to render him unfit to hold and operator's licence;

(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;

(d) any other reasonable cause.

4.4 Section 56 sets out the record keeping requirements of a Private Hire Operator:

(1) For the purposes of this Part of this Act every contract for the hire of a private hire vehicle licensed under this Part of this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle.

(2) Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep a record in such form as the council may, by condition attached to the grant of the licence, prescribe and shall enter therein, before the commencement of each journey, such particulars of every booking of a private hire vehicle invited or accepted by him, whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the district council may by condition prescribe and shall produce such record on request to any authorised officer of the council or to any constable for inspection.

(3) Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep such records as the council may, by conditions attached to the grant of the licence, prescribe of the particulars of any private hire vehicle operated by him and shall produce the same on request to any authorised officer of the council or to any constable for inspection.

(4) A person to whom a licence in force under section 55 of this Act has been granted by a district council shall produce the licence on request to any authorised officer of the council or any constable for inspection.

(5) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

4.5 Licensing authorities have a duty to ensure that any person (or persons) to whom they grant a private hire operator licence is a ‘fit and proper’ person to be a licensee.

4.6 The Council’s Hackney Carriage and Private Hire Licensing Policy 2022-2027 notes that when assessing the fitness and propriety of an Operator the Council will have regard to the following

- Criminal record including convictions, cautions, warnings and reprimands.

- Demeanour, general character, non-criminal behaviour, honesty and integrity.
- Previous conduct.
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices, etc).

4.7 It may be helpful for Members when considering whether an applicant or licensee is fit and proper to ask yourself the following question:

> *Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle* ***operated and despatched*** *by this person at any time of day or night?*

4.8 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a Private Hire Operator Licence.

4.9 Licensing authorities have to make difficult decisions; however, the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Committee or delegated officer are only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

4.10 While there is no statutory definition of 'fit and proper person', the Courts have given helpful guidance over the years and it is established that the objectives of the licensing regime are intended to ensure that licensed drivers are "suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers" (*McCool –v- Rushcliffe Borough Council [1998]).*

4.11 Members should consider that the impact on a person's family of losing or not obtaining a licence is not a relative consideration and cannot be taken into account. Leeds City Council v Hussain [2003] RTR 13 DC & Cherwell DC v Anwar [2012] RTR Admin Crt.

Private Hire Vehicle

4.12 Section 60 of the Local Government (MP) Act 1976 allows the local authority to suspend, revoke or refuse to renew a vehicle licence for one of the following reasons

60 (1) Notwithstanding anything in the Act of 1847 [TPCA 1847] or in this Part of the Act, a district council may suspend or revoke, or refuse to renew a vehicle licence on any of the following grounds-

(a) That the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;

(b) Any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver or

(c) Any other reasonable cause.

5 OPTIONS

5.1 It is recommended that after hearing the evidence and any representations from Ms Wildey, members reach a decision in line with the options available.

- Allow the Penalty Points to remain on Ms Wildey's record for a period of 2 years and take no further action against her

Private Hire Driver Licence

- To suspend her Private Hire Driver Licence PD012 for a period of time
- To revoke her Private Hire Driver Licence PD012
- To take no further action

Private Hire Vehicle Licence

- To suspend the Private Hire Vehicle Licence P615 for a period of time.
- To revoke Private Hire Vehicle Licence P615.
- To take no further action

Private Hire Operator Licence

- To suspend the Private Hire Operator PO034 for a period of time.
- To revoke Private Hire Operator Licence PO034.
- To take no further action

Contact Officer: **Nicola Edwards** **Ext: 7025**

Appendices attached to report:

1. Private Hire Driver Licence
2. Private Hire Vehicle Licence
3. Private Hire Operator Licence
4. Carlisle City Council Inspection Sheet for P615 (7/10/22)
5. Screenshot of Facebook page – Emmas Private Taxi Hire

6. Sections 51 and 59 Misc. Provisions Act 1976
7. Section 61 (1) (b) Misc. Provisions Act 1976

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS:

LEGAL – contained within report
FINANCE – None
EQUALITY – None
INFORMATION GOVERNANCE – None

Appendix 1

City of Carlisle

Private Hire Driver Licence PD012

Licence Holder:

Emma Louise WILDEY

Date of birth

Licence Validity

Valid from **11 Feb 2022** to **10 Feb 2025**

IMPORTANT NOTES

- **Carlisle City Council** hereby license the person named above to drive licensed private hire vehicles.
- **This licence is subject to** the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.
- **The possession of this document** does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.
- **This licence is not transferable**

Conditions applicable to this licence are attached.

Licensing Manager

Dated: **11/02/2022**

Appendix 2

City of Carlisle

Private Hire Vehicle Licence P615

Proprietor:

Emma Louise Wildey

Registration No: **CK66 CTF** Make and Model: **Black RENAULT Traffic**

Licensed to Carry: **8 Passengers**

Valid from **27 May 2022** to **28 Feb 2023**

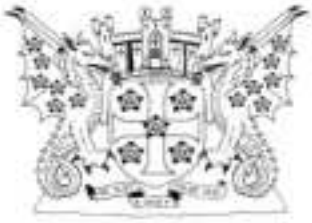
IMPORTANT NOTES

- **This licence is subject to** the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.
- **The possession of this document** does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.
- **This licence is not transferable**

Conditions applicable to this licence are attached.

Licensing Manager Dated: 27 May 2022

Appendix 3

City of  Carlisle

Private Hire Operator Licence PO034

Operator:

Emma Louise Wildey

Licensed to operate up to **5** licensed private hire vehicles

Valid from: **10 Mar 2022** to **09 Mar 2027**

IMPORTANT NOTES

- **This licence is subject to** the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.
- **The possession of this document** does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.
- **This licence is not transferable**

Conditions applicable to this licence are attached.

Licensing Manager

Dated: **10 Mar 2022**

CARLISLE CITY COUNCIL INSPECTION SHEET

REG NO: CK66 CTF PLATE NO: P 615 MILEAGE: 94 425

MAKE/MODEL: RENAULT CHASSIS NO:

TEST NO: 6613 1547 8005 TEST EXPIRES: MOT EXPIRES: 19/4/23

CCTV: Y / (N) ADVERTISING: NO NO. OF PASSENGER SEATS: 8

OWNER: WILDEY METER SERIAL No. N/A

	PASS	FAIL
VEHICLE CONFORMS WITH MOT STANDARDS AT TIME OF TEST		✓
VEHICLE FREE FROM OIL DRIPPING ON FLOOR DURING TEST	✓	
ROOF SIGN FITTED AND OPERATIONAL	N/A	
DOOR SIGNS PRESENT (EXCEPT WHEELCHAIR ACCESSIBLE TAXIS)		✓
WHEELCHAIR RAMPS AND RESTRAINTS PRESENT WHERE APPLICABLE	N/A	
SEATS & INTERIOR CLEAN AND FREE FROM TEARS AND DAMAGE		✓
MINIMUM 1KG FIRE EXTINGUISHER & FIRST AID KIT PRESENT	✓	
PASSENGER WINDOWS CAPABLE OF BEING OPENED	✓	
PAINT, BODYWORK DEFECTS & EXTERNAL CLEANLINESS		✓
METER CALIBRATION CERTIFICATE PRESENT	N/A	
METER CALIBRATION SEAL INTACT	N/A	
FARE LIST PRESENT	N/A	

DEFECTS FOUND DURING TEST	ADVISORIES FOUND DURING TEST
NO ROOF SIGNS FITTED ✓	O/S/R NO. PLATE LIGHT INOP. ✗
REAR ROW CENTRE SEATBELT STALK DAMAGED ✓	OIL LEVEL AT MINIMUM ✓
	OIL LEAK AT TOP OF ENGINE ✗
MIDDLE ROW N/S SEATBELT STALK DAMAGED	
	BOTH FRONT SHOCKABS HAVE SLIGHT
O/S/R SPRING BROKEN ✓	LEAK. ✗
	SCREW IN O/S/R TYRE. ✗

BRAKE TEST RESULTS

SERVICE		LOCKS	PARKING BRAKE		LOCKS	IMBALANCE %	
N/S/F	475	✓	N/S	250		FRONT AXLE	14
O/S/F	485	✓	O/S	275		REAR AXLE	8
N/S/R	330	✓					
O/S/R	295	✓					
SERVICE (PASS) / FAIL			PARKING (PASS) / FAIL			IMBALANCE (PASS) / FAIL	

IS PLATE EASILY REMOVABLE? Y / (N)

PLATE REMOVED DUE TO DANGEROUS DEFECT (Y) / N PLATE REINSTATED (Y) / N

BODYWORK LETTER ISSUED: (Y) / N REASON: N/S SLIDING DOOR + N/S/R WHEEL ARCH SCRATCHED
O/S/R 1/4 PANEL SCRATCHED
N/S/F WHEEL TRIM MISSING.

OVERALL RESULT: PASS / (FAIL)

TEST CARRIED OUT BY: DATE OF TEST: 7/10/22.

RE-TEST RESULT: (PASS) / FAIL RE-TEST MILEAGE: 94 555

RE-TEST CARRIED OUT BY: DATE OF RE-TEST: 17/10/22

1:59

Emmas private taxi hire
26 Sep ·

Emmas private taxi hire
Taxi service

WhatsApp

Like Comment Share

3

8 shares

Most relevant

Highly recommended!...very prompt and afficient....very comfortable ..

5 w Like Reply

Emma Wildey
thank u x

Write a comment...

Home Friends Marketplace Profile Notifications Menu

Changes to legislation: *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 51. (See end of Document for details)*

Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

51 Licensing of drivers of private hire vehicles.

(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 driver's licence:

Provided that a district council shall not grant a licence—

(a) unless they are satisfied **[**[F1]—

(i)**]** that the applicant is a fit and proper person to hold a driver's licence; **[**[F2]and

(ii) that the applicant is not disqualified by reason of the applicant's immigration status from driving a private hire vehicle; or**]**

(b) **[**[F3]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 the application for a driver's licence so authorised.**]**

[[F4](1ZA) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant's immigration status from driving a private hire vehicle, a district council must have regard to any guidance issued by the Secretary of State.**]**

[F5](1A) . . . . . .

[[F6](1) For the purposes of subsection (1) of this section a person is authorised to drive a motor car if—

(a) he holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or

Changes to legislation: *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 51. (See end of Document for details)*

(b) he is authorised by virtue of section 99A(1) **[**[F7]or section 109(1)**]** of that Act to drive in Great Britain a motor car.**]**

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

(3) It shall be the duty of a council by which licences are granted in pursuance of this section to enter, in a register maintained by the council for the purpose, the following particulars of each such licence, namely—

(a) the name of the person to whom it is granted;

(b) the date on which and the period for which it is granted; and

(c) if the licence has a serial number, that number,

and to keep the register available at its principal offices for inspection by members of the public during office hours free of charge.

Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

59 Qualifications for drivers of hackney carriages.

(1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage—

(a) unless they are satisfied **[**[F1]—

(i)**]** that the applicant is a fit and proper person to hold a driver's licence; **[**[F2]and

(ii) that the applicant is not disqualified by reason of the applicant's immigration status from driving a hackney carriage; or**]**

[[F3](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 the application for a driver's licence so authorised.**]**

[[F4](1ZA) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant's immigration status from driving a hackney carriage, a district council must have regard to any guidance issued by the Secretary of State.**]**

[[F5](1A) For the purposes of subsection (1) of this section a person is authorised to drive a motor car if—

(a) he holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or

(b) he is authorised by virtue of section 99A(1) **[**[F6]or section 109(1)**]**of that Act to drive in Great Britain a motor car.**]**

[F7](1A) . . . . . .

Changes to legislation: *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 59. (See end of Document for details)*

(2) Any applicant aggrieved by the refusal of a district council to grant a driver's licence on the ground that he is not a fit and proper person to hold such licence may appeal to a magistrate's court.

Changes to legislation: *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 61. (See end of Document for details)*

Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

61 Suspension and revocation of drivers' licences.

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

(a) that he has since the grant of the licence—

(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;

[[F1](aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;**]**or

(b) any other reasonable cause.

[[F2](1A) Subsection (1)(aa) does not apply if—

(a) in a case where the driver has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974, or

(b) in a case where the driver has been required to pay an immigration penalty—

(i) more than three years have elapsed since the date on which the penalty was imposed, and

(ii) the amount of the penalty has been paid in full.**]**

(2) (a)

Changes to legislation: *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 61. (See end of Document for details)*

Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.

(b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **[**[F3]level 1 on the standard scale**]**.

[[F4](2ZA) The requirement in subsection (2)(a) to return a driver's badge does not apply in a case where section 62A applies (but see subsection (2) of that section).**]**

[[F5](2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.**]**

(3) Any driver aggrieved by a decision of a district council under **[**[F6]subsection (1) of**]** this section may appeal to a magistrates' court.