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DEPARTMENT OF ENVIRONMENT & LEISURE

ORIGINATING SECTION: PUBLIC PROTECTION UNIT

REPORT TO: GENERAL LICENSING SUB-COMMITTEE

DATE 16/5/2023

TITLE: Application for a new Dual Driver licence Mr Osama Nazir

1	<p><u>PURPOSE OF REPORT</u></p> <p>For members to consider an application for a new dual driver licence in respect of Mr Osama Nazir.</p>
2	<p><u>PERSONAL DETAILS</u></p> <p>2.1 Name: Mr Osama Nazir Address: 44 Perry Street Darwen BB3 3DG Date of Birth: 04/04/2001</p>
3	<p><u>DETAIL</u></p> <p>3.1 Mr Osama Nazir, of 44 Perry Street, Darwen, BB3 3DG applied for an enhanced Disclosure and Barring Service check as part of this application for a new dual Driver licence.</p> <p>3.2 The Rehabilitation of Offender's Act 1974 does not apply to applicants for Dual Driver licences. The certificate issued on 27th October 2022 includes convictions which are relevant considerations (Appendix 1).</p> <p>3.3 The DBS Update Service has been checked on 19th April 2023. There is no further information.</p> <p>3.4 An online check of Mr Nazir's driving licence is provided at Appendix 2 which confirms endorsements recorded on his statutory driving licence.</p> <p>3.5 Mr Osama Nazir has submitted a valid application form on 9th March 2023 (Appendix 3) and was interviewed by Janet White, Senior Public Protection Officer on 30th March 2023 in relation to this application (Appendix 4).</p> <p>3.6 Mr Nazir successfully passed the Council's driver training and knowledge test on the 30th November 2022 and the practical driver training course on 8th January 2023.</p> <p>3.7 He has submitted a satisfactory Group 2 medical dated 13th February 2023.</p> <p>3.8 Officers have checked the NR3 register and confirmed that Mr Nazir has not had any other application suspended or revoked with any other authority.</p>

3.9	Mr Nazir has an right to work in the UK which has been verified by officers															
4	<p>CRIMINAL CONVICTIONS</p> <p>4.1</p> <table border="1" data-bbox="280 315 1481 465"> <tr> <td data-bbox="280 315 695 465">Caution dated 31/12/20</td> <td data-bbox="695 315 1481 465">Destroy or damage property (value of damage #5000 or less – offence against Criminal Damage Act 1971 only) on 24th December 2020 Criminal Damage Act 1971 S.1(1)</td> </tr> </table> <p><u>MOTORING CONVICTIONS</u></p> <p>4.2</p> <table border="1" data-bbox="280 584 1536 887"> <thead> <tr> <th data-bbox="280 584 437 622">Date</th> <th data-bbox="437 584 1007 622">Offence</th> <th data-bbox="1007 584 1536 622">Sentence</th> </tr> </thead> <tbody> <tr> <td data-bbox="280 622 437 696">11/04/19</td> <td data-bbox="437 622 1007 696">IN10 - Using a vehicle uninsured against third party risks</td> <td data-bbox="1007 622 1536 696">6 penalty points</td> </tr> <tr> <td data-bbox="280 696 437 770">22/04/20</td> <td data-bbox="437 696 1007 770">IN10 - Using a vehicle uninsured against third party risks</td> <td data-bbox="1007 696 1536 770">6 penalty points - Fine £350</td> </tr> <tr> <td data-bbox="280 770 437 887">13/12/21</td> <td data-bbox="437 770 1007 887">SP30 – Exceeding speed limit on public road</td> <td data-bbox="1007 770 1536 887">1 disqualification 13/12/2021 – 9/1/22 – Removal date 15/5/25 Fine £215</td> </tr> </tbody> </table>		Caution dated 31/12/20	Destroy or damage property (value of damage #5000 or less – offence against Criminal Damage Act 1971 only) on 24 th December 2020 Criminal Damage Act 1971 S.1(1)	Date	Offence	Sentence	11/04/19	IN10 - Using a vehicle uninsured against third party risks	6 penalty points	22/04/20	IN10 - Using a vehicle uninsured against third party risks	6 penalty points - Fine £350	13/12/21	SP30 – Exceeding speed limit on public road	1 disqualification 13/12/2021 – 9/1/22 – Removal date 15/5/25 Fine £215
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5	<p><u>POLICY REFERENCE</u></p> <p>5.1</p> <p>The criminal conviction is relevant to section 2 of the council’s conviction policy.</p> <p>Section 2 – Violence</p> <p>Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey.</p> <p>Passengers often travel alone and are vulnerable to physical attack etc.</p> <p>Users of private hire and hackney carriage vehicles have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.</p> <p>i An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:</p> <ul style="list-style-type: none"> • Criminal damage <p>5.2</p> <p>The motoring convictions are relevant to section 6 of the council’s conviction policy.</p> <p>Section 6 - MOTORING CONVICTIONS - MAJOR TRAFFIC OFFENCES</p> <p>New applicants and existing licensed drivers with a conviction for a ‘Major Traffic Offence’ as defined below, which is less than 5 years prior to the date of the application (the present date in relation to existing licensed drivers) will be referred to the Panel for determination. A conviction less than 2 years prior to the date of the application will generally be refused.</p>															

Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has lapsed from the restoration of the DVLA licence and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

In addition, applicants will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

For the purposes of these guidelines the following motoring offences are classed as ‘Major Traffic Offences’:

IN10	Using a vehicle uninsured against third party risks
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MINOR TRAFFIC OFFENCES

Any Minor Traffic Offence which has attracted 4 or more penalty points will be treated as though it were an Intermediate Traffic Offence

Single conviction

Where an individual has a single Minor Traffic Offence in the 12 months immediately preceding the date of application, the application will normally be granted with a letter of warning being placed on the file.

SP30	Exceeding statutory speed limit on a public road resulting in a fixed penalty
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5.3 **Statutory Guidance**

The Sub-Committee must also take into account the [Government’s Statutory Taxi & Private Hire Vehicle Standards 2020](#).

Paragraph 5.12 headed ‘The Fit and Proper Test’ states:

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver’s licence is a ‘fit and proper’ person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself 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 driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence.

6 RECOMMENDATION

- Members grant the application subject to the standard conditions
- Members refuse the application

7 LEGAL IMPLICATIONS

Any person aggrieved by the decision of the Sub-Committee has a right of appeal to the Magistrates Court, within 21 days of the service of the decision notice.

8	<u>CONTACT OFFICER</u> Janet White – Senior Public Protection Officer
9.	<u>BACKGROUND PAPERS</u> 9.1 Attached Appendices/ BwD PH & HC Policy
10.	<u>DATE PREPARED</u> 19 th April 2023