

NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

29th July, 2014

1. **Present:** Councillors C Wraith (Chairman), P Birkinshaw and Frost together with Councillor Tattersall (Reserve Member).

Members of the Public and Press were excluded from the meeting

2. **Declarations of Pecuniary and Non-Pecuniary Interest**

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on the agenda.

3. **Driver Licences**

The Panel considered reports requesting Members to consider the following:

- (a) the determination of the Hackney Carriage and Private Hire Driver's Licence renewal application by Mr S C.

The driver was in attendance and addressed the Panel in support of his case.

After considering all the evidence presented, together with the representations made, in view of the mitigating circumstances presented, the Hackney Carriage and Private Hire Driver's Licence held by Mr S C be renewed subject to the driver undertaking and passing (at his own expense and prior to the renewal) the appropriate DSA test within three months of the hearing.

Following the renewal of the Licence, the driver was to be issued with a written warning which would be kept on file as to his future conduct.

The decision of the Panel was unanimous.

- (b) the determination of the Hackney Carriage and Private Hire Driver's Licence renewal application by Mr K J S

The driver was in attendance and addressed the Panel in support of his case. He also submitted an email from the DVLA in relation to the time period for which penalty points remained on driver licences. In response, the Director of Legal and Governance reported that whilst penalty points were valid for a period of three years in a court of law, they remained on the driving licence for four years from the date of the offence. It was the latter matter which the Panel was required to consider in terms of the approved Guidelines for Criminal Convictions.

After considering all the evidence presented, together with the representations made, in view of the mitigating circumstances presented, the Hackney Carriage and private Hire Driver Licence held by Mr J J S was renewed subject to him undertaking and passing (at his own expense and prior to the renewal) the appropriate DSA test within three months of the hearing.

Following the renewal of the Licence, the driver was to be issued with a final written warning which would be kept on file as to his future conduct.

In addition, whilst not being part of the formal decision, the Chair of the Panel indicated that he expected the driver, as a responsible Operator, to bring to the attention of all his drivers, the importance of the Licensing Conditions and particularly those conditions in respect of the reporting of offences/convictions.

The decision of the Panel was unanimous.

9th September, 2014

4. **Present:** Councillors C Wraith (Chairman), S Green and Johnson.

Members of the Public and Press were excluded from the meeting

5. **Declarations of Pecuniary and Non-Pecuniary Interest**

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on the agenda.

6. **Driver Licences**

The Panel considered reports requesting Members to consider the following:

- (a) an application for a Private Hire Driver's Licence by Mr M N.

The driver was in attendance and addressed the Panel in support of his case. He also submitted three references one of which was from his current employer.

After considering all the evidence presented, together with the representations made, in view of the mitigating circumstances presented, the application for a Private Hire Driver Licence was granted on the grounds that there was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions but subject to review in six months time.

The decision of the Panel was unanimous.

- (b) The determination of the Hackney Carriage and Private Hire Driver's Licence held by Mr A R.

The driver was in attendance and was represented by Mr D W (Licensing Consultant) and by Mr M C (Hackney Carriage Proprietors Association) together with an observer from a Taxi Licensing Consultancy.

The Panel was informed that information had come to light this morning in relation to the driver's medical condition and in view of this, the Panel was asked to consider adjourning the hearing in order for appropriate medical information to be submitted. The Panel felt that it was important that all information was before it to enable an appropriate decision to be made.

After considering all the information presented, the Panel agreed that consideration of this matter be adjourned to a special meeting to be held at 10.00 am on Thursday 18th September, 2014.

The decision of the Panel was unanimous.

- (c) the determination of the Hackney Carriage and Private Hire Driver's Licence renewal application by Mr F T.

It was reported that the driver had requested that the hearing be adjourned to enable his representative to attend the hearing to present information in support of his case.

In view of this request, the Panel agreed to adjourn the hearing to the next ordinary meeting to be held at 10.00 am on Tuesday 7th October, 2014.

The decision of the Panel was unanimous.

- (d) the determination of the Hackney Carriage and Private Hire Driver's Licence renewal application by Mr R W T.

The driver was not in attendance at the hearing to give evidence in support of his case. In addition, no contact had been made by him to explain the reason for his non-attendance. The Panel had already delayed the hearing to ensure that if the driver was running late he would still have the opportunity to present his case. It was also confirmed that two letters of invitation had been sent to the driver. The Panel noted this and that the onus was on the driver to prove that he was a fit and proper person to hold a dual Hackney Carriage and Private Hire Driver Licence. On this basis, the Panel resolved to hear the matter in the driver's absence.

After considering all the information presented, the dual Hackney Carriage and Private Hire Driver Licence was revoked as Mr R W T was not considered to be a fit and proper person to hold such a licence on the following grounds:

- the accumulation of three separate written warnings in a ten month period
- the number, type and frequency of those written warnings
- the failure to comply with licensing conditions despite previous warnings
- the issuing of a previous written warning for failing to declare a conditional caution
- his failure to attend this hearing to convince the Panel as to his suitability to continue to drive a Hackney Carriage/Private Hire vehicle which showed disrespect to the Panel

The decision of the Panel was unanimous.

Chairman.....