

## **NOTES OF GENERAL LICENSING REGULATORY BOARD PANELS**

**18 July 2023**

**Present:** Councillors Green (Chair), Markham, Osborne and Councillor P Wright (Reserve Member)

Members of the Public and Press were excluded from this meeting.

### **1. Hackney Carriage and Private Hire Driver's Licence - Application - Mr M S**

The Panel was asked to consider an application for a Hackney Carriage and Private Hire Driver's Licence by Mr M S.

Mr M S was in attendance at the meeting. After considering all the information and the representations made, the Panel determined that the application for a Hackney Carriage and Private Hire Driver's Licence be refused on the following grounds:-

- A fully enhanced DBS check had revealed that Mr M S had been convicted of two violence related offences and a further conviction for theft.
- Section 4.22 of the Council's policy states: Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- It was considered that any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained, as a driver has direct responsibility for the safety of their passengers who may be in the vehicle alone and vulnerable. A driver would also have direct responsibility for the safety of other road users.
- The date of Mr M S's last conviction was on 19 May 2017. Section 4.31 of the Council's policy states that where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Therefore, Mr M S's latest offence would not be in line with the Council's policy until May 2028.
- The Panel listened to the explanations provided by Mr M S with regards to the offences, however they were concerned about his pattern of behaviour and the way he had dealt with the situations which had resulted in the convictions.
- The Panel did not feel that Mr M S was a fit and proper person to hold a Hackney Carriage and Private Hire Driver's Licence.

The decision of the Panel was unanimous.

## 2. **Hackney Carriage and Private Hire Driver's Licence - Application - Mr J S**

The Panel was asked to consider an application for a Hackney Carriage and Private Hire Driver's Licence by Mr J S.

Mr J S was in attendance at the meeting. After considering all the information and representations made, the Panel determined that the application for a Hackney Carriage and Private Hire Driver's Licence be refused on the following grounds:-

- A fully enhanced DBS check had revealed that Mr J S had been convicted of three serious violence related offences.
- Section 4.22 of the Council's policy states: Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- It was considered that any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained, as a driver has direct responsibility for the safety of their passengers who may be in the vehicle alone and vulnerable. A driver would also have direct responsibility for the safety of other road users.
- The date of Mr J S's last conviction was on 18 July 2017. Section 4.31 of the Council's policy states that where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Therefore, Mr J S's latest offence would not be in line with the Council's policy until May 2028.
- The Panel listened to Mr J S's explanations with regards to the offences, however they were concerned about his pattern of behaviour and the way he had dealt with the situations which had resulted in the conviction.
- The Panel did not feel that he was a fit and proper person to hold a Hackney Carriage and Private Hire Driver's Licence.

The decision of the Panel was unanimous.

## **NOTES OF GENERAL LICENSING REGULATORY BOARD PANELS**

**5 September 2023**

**Present:** Councillors Green (Chair), A. Cave, Lodge and Councillor Tattersall (Reserve Member)

Members of the Public and Press were excluded from this meeting.

### **1. Hackney Carriage and Private Hire Driver's Licence - Application – Mr Z S S**

The Panel was asked to determine a Hackney Carriage and Private Hire Driver's Licence by Mr Z S S.

Mr Z S S was in attendance at the meeting.

The Panel noted that Mr Z S S had previously been before the General Licensing Regulatory Board Panel held on 19 July 2022 with regards to his application for a licence renewal, and concerning three driving offences whilst being a licenced driver, and a failure to notify the Licensing Service in accordance with Licensing Conditions on three occasions and for which he had received three Written Warnings. Mr Z S S's Licence was approved at hearing, but suspended for a period of one month; he was required to undertake and pass a DSA test or other appropriate driver awareness course, within three months (at his own expense); and issued with a Final Written Warning.

After considering all the evidence presented together with the information provided and the representations made, the General Licensing Regulatory Board Panel determined that Mr Z S S should receive a Final Written Warning based upon the following grounds:-

- The remorse that Mr Z S S had shown at the Panel Meeting held on 5 September 2023 regarding the taxi enforcement operation held on 21 July 2023, where he had failed to adhere to the conditions of his licence following an inspection of his vehicle, which had identified that he had failed to have the daily check book in his vehicle and that the windscreen washers had been found to be empty and inoperative.
- The explanation that Mr Z S S had given regarding the circumstances surrounding the failings to adhere to the conditions of his licence arising from the vehicle inspection and the assurances he had given that this will not happen again.
- Mr Z S S had accepted that it was his responsibility to make the daily safety checks.
- The Panel noted that Mr Z S S was aware of his responsibility to maintain public safety.
- The manner in which Mr Z S S had presented himself at the Panel Meeting held on 5 September 2023.
- The fact that Mr Z S S had shown sufficient extenuating circumstances to warrant a departure from the Council's Suitability Policy with regard to all

Private Hire Driver, Private Hire Vehicle Proprietor, Hackney Carriage Driver, Hackney Carriage Vehicle Proprietor and Private Hire Operator Licences.

The Panel wished Mr Z S S to note that if any further matters were brought before the Panel, that this may well result in a revocation of his Hackney Carriage and Private Hire Driver's Licence.

The decision of the Panel was unanimous.