

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

**5 December 2023**

**Present:** Councillors Green (Chair), Bowser and Denton

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

## **1 Hackney Carriage and Private Hire Driver's Licence – Application – Mr R F**

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

Mr R F was in attendance at the meeting. After considering all the evidence presented, together with the information provided 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:-

- Mr R F had previously held a Hackney Carriage and Private Hire Taxi Licence with the Council for in excess of 14 years, which had been revoked at a Panel meeting held on 28 April 2021. This was following an incident where he had pleaded guilty at court to offences relating to the use of an unlicensed vehicle to carry out a taxi fare, whereby the court had subsequently convicted him of the offences and his PSV Licence had been revoked by the Traffic Commissioner.
- The decision of the Panel meeting held on 28 April 2021 had been upheld by both Sheffield Magistrate's Court and Sheffield Crown Court.
- The Panel noted the accumulation of 6 Written Warnings between 2014 and 2017 for a variety of offences which included failing to report an accident within the required timeframe as per Mr R F's licensing conditions at the time.
- The Panel considered that Mr R F's actions had been uncalled for and had showed a disregard and failure to comply with the licence conditions and governing legislation, which demonstrated behaviour that was unacceptable for a licence holder with the Council.
- The Council's Guideline Policy for Criminal Convictions within Appendix J at Section 4.45 state that where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages and Private Hire Vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- Given the gravity and seriousness of the offences and breaches of the licensing conditions that had occurred, the Panel would have serious concerns for the protection of the public travelling in Mr R F's vehicle.
- The Panel felt that Mr R F did not show a real sense of remorse for the convictions and that he had not taken responsibility for his actions.
- The Panel did not feel that Mr R F had demonstrated sufficient extenuating circumstances to warrant a deviation from the Council's Guideline Policy for Criminal Convictions and were therefore unable to grant the application.

The decision of the Panel was unanimous.

## **2 Hackney Carriage and Private Hire Driver's Licence – Application – Mr M N**

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

Mr M N was in attendance at the meeting. After considering all the evidence presented and taking account of the manner in which Mr M N had presented himself, the Panel determined that the application for a Hackney Carriage and Private Hire Driver's Licence be granted on the following grounds:-

- There was sufficient justification to warrant a deviation from the Council's Guideline Policy in relation to Criminal Convictions.
- Mr M N had been given indefinite leave to remain and whilst waiting for his application to come before the Panel, he had also been granted British Citizenship. Therefore, Mr M N has the right to both live and work in the UK.
- Mr M N confirmed that he had no criminal convictions recorded against him whilst he was a resident in his country of origin.
- It was noted that he had a good command of the English language.

The decision of the Panel was unanimous.

### **9 January 2024**

**Present:** Councillors Green (Chair), Cherryholme and P. Wright together with Councillor Bellamy (Reserve Member)

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

## **1 Hackney Carriage and Private Hire Driver's Licence – Application – Mr A H**

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

Mr A H was in attendance at the meeting. After considering all the evidence presented, together with the information provided and the representations made, the Panel determined that the application for a Hackney Carriage and Private Hire Driver's Licence be granted on the following grounds:-

- There was sufficient justification to warrant a deviation from the Council's Guideline Policy in relation to Criminal Convictions in relation to migrant workers.
- Mr A H entered the country as an asylum seeker on 26 May 2017 and he was granted asylum on 28 February 2018. Mr A H therefore has the right to both live and work in the UK.
- Whilst resident in Iran, Mr A H's country of origin, he confirmed that he had no criminal convictions recorded against him.

- The results of the Enhanced DBS check had come back clear, and had remained clear since Mr A H had entered the UK.
- The two references that had been provided to the Panel referred to Mr A H's good character and suitability to become a licenced Hackney Carriage and Private Hire Driver.
- It was noted that Mr A H has an excellent command of the English language.

The decision of the Panel was unanimous.

## **2 Hackney Carriage and Private Hire Driver's Licence – Application – Mr H M**

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

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

- There was sufficient justification to warrant a deviation from the Council's Guideline Policy in relation to Criminal Convictions in relation to migrant workers.
- Mr H M entered the country on or around 12 April 2008 having travelled from Afghanistan, his country of origin, via Pakistan. Although Mr H M had been unable to provide any documentation showing his asylum application, the Panel had been provided with a copy of his British Passport which was issued on 13 March 2022. Mr H M therefore has the right to both live and work in the UK.
- Whilst resident in Afghanistan, Mr H M's country of origin, he confirmed that he had no criminal convictions recorded against him.
- The results of the Enhanced DBS check had come back clear, and had remained clear since Mr H M had entered the UK.
- Mr H M had held a Hackney Carriage and Private Hire Driver's Licence with Rotherham MBC from 8 December 2021 which was due to expire on 7 December 2024. Rotherham MBC had confirmed that Mr H M had not been subject to any warnings or complaints or had his licence suspended or revoked during this time.
- The two references that have been provided to the Panel referred to Mr H M's good character and suitability to become a licenced Hackney Carriage and Private Hire Driver with Barnsley MBC.
- It was noted that Mr H M has an excellent command of the English language.

The decision of the Panel was unanimous.