

NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

7th February, 2017

1 Present: Councillors C Wraith MBE (Chair), W Johnson and Tattersall

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

2 Declarations of Interests

There were no declarations of pecuniary or non-pecuniary interest.

3 Hackney Carriage and Private Hire Driver's Licence – Application – Mr M M

The Panel considered a report of the Service Director Culture, Housing and Regulation on an application by Mr M M for the grant of a Hackney Carriage and Private Hire Driver's Licence.

The applicant was in attendance and gave evidence in support of his case.

After considering all the evidence presented together with the representations made the Panel determined that taking account of the manner in which the applicant presented himself Mr M M was regarded as a fit and proper person to hold such a licence and the application was granted on the following grounds

- There was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions in relation to Migrant Workers
- Whilst resident in his country of origin he confirmed that he had no criminal convictions recorded against him
- He had lived in the UK for approximately 12 years, had held various positions of employment and had undertaken courses at Barnsley College
- The Enhanced DBS check was clear
- The Panel was comforted at:
 - His good command of the English language
 - His apparent knowledge of the area which was reflected by his previous employment as a delivery driver

The decision of the Panel was unanimous.

4 Hackney Carriage and Private Hire Driver's Licence – Application – Mr I A C

The Panel considered a report of the Service Director Culture, Housing and Regulation on an application by Mr I A C for the grant of a Hackney Carriage and Private Hire Driver's Licence

The applicant was in attendance and gave evidence in support of his case.

After considering all the evidence presented together with the representations made the Panel determined there was insufficient justification to warrant a departure from the Council's Guideline Policy for Criminal Convictions and the application was

refused due to the number and severity of the offences committed and the failure to present sufficient extenuating circumstances to warrant a departure from that Policy.

The decision of the Panel was unanimous.

5 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr L H

The Panel considered a report of the Service Director Culture, Housing and Regulation requesting the determination of the Hackney Carriage and Private Hire Driver's Licence held by Mr L H.

Mr L H was in attendance and gave evidence in support of his case.

After considering all the evidence presented together with the representations made the Panel determined that in view of the extenuating circumstances outlined including the way in which he had presented himself, the admission to the offences for which he had received Written Warnings, the fact that he had paid the necessary fines and take steps to address the issues concerned, there was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions and he be allowed to keep his licence. This decision was made subject to him being issued with a Written Warning as to his future conduct.

The decision of the Panel was unanimous.

7th March, 2017

6 Present: Councillors Ennis (Chair), Shepherd and Tattersall together with Councillor W Johnson (Reserve Member)

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

7 Declarations of Interests

There were no declarations of pecuniary or non-pecuniary interest.

8 Hackney Carriage and Private Hire Driver's Licence – Application – Mr A M

The Panel considered a report of the Service Director Culture, Housing and Regulation on an application for the grant of a Hackney Carriage and Private Hire Driver's Licence by Mr A M.

The applicant was not in attendance to present evidence in support of his case.

After hearing all the evidence in the driver's absence the Panel determined that the application be refused as it was not in a position to be able to receive any mitigating or extenuating circumstances to warrant a departure from the Council's Guideline Policy for Criminal Convictions and the Panel was not satisfied that he was a fit and proper person to hold such a licence.

The decision of the Board was unanimous.

9 Hackney Carriage and Private Hire Driver's Licence – Application Mr M I B

The Panel considered a report of the Service Director Culture, Housing and Regulation on an application for the grant of a Hackney Carriage and Private Hire Driver's Licence by Mr M I B.

The applicant was in attendance together with Mr D W (Licensing Consultant) who gave evidence in support of his case.

After hearing all the evidence presented together with the representations made the Panel determined that the application be refused as Mr M I B had presented insufficient extenuating circumstances to warrant a departure from the Council's Guideline Policy for Criminal Convictions and the Panel was not satisfied that he was a fit and proper person to hold such a licence.

The decision of the Panel was not unanimous.

10 Hackney Carriage and Private Hire Driver's Licence – Application – Mr P W

The Panel considered a report of the Service Director Culture, Housing and Regulation on an application for the grant of a Hackney Carriage and Private Hire Driver's Licence by Mr P W.

The applicant was in attendance to give evidence in support of his application.

After considering all the evidence presented together with the representations made the Panel determined that, taking account of the manner in which the applicant presented himself together with the mitigating and extenuating circumstances outlined, there was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions and Mr P W was regarded as a fit and proper person to hold such a licence. The application was granted for one year subject to review in six months time.

The decision of the Panel was unanimous.

9th March, 2017

11 Present: Councillors C Wraith MBE (Chair), Daniel Griffin and J Carr.

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

12 Declarations of Interest

There were no declarations of pecuniary or non-pecuniary interest.

13 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr N J F

The Panel considered a report of the Service Director Culture, Housing and Regulation requesting the determination of the Hackney Carriage and Private Hire Driver's Licence held by Mr N J F.

Mr N J F was in attendance and was supported by Mr D W (Licensing Consultant) who gave evidence in support of his case.

After considering all the evidence presented together with the representations made the Panel determined that in view of the extenuating circumstances outlined including the way in which he had presented himself, his genuine remorse at his actions, his previous unblemished record and the reference from a local Taxi Company there was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions and he be allowed to keep his licence. This decision was made subject to him being issued with a Final Written Warning as to his future conduct and him being required to retake the Safeguarding Course as a matter of urgency.

The decision of the Panel was not unanimous.

14th March, 2017

- 14 Present:** Councillors Tattersall (Chair), Frost and Saunders together with Councillor W Johnson (Reserve Member).

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

15 Declarations of Interest

There were no declarations of pecuniary or non-pecuniary interest.

16 Hackney Carriage and Private Hire Driver's Licence – Appeal against Revocation – Mr K F

The Panel considered a report of the Service Director Culture, Housing and Regulation requesting the determination of an appeal against the immediate revocation of a Hackney Carriage and Private Hire Driver's Licence held by Mr K F.

Mr K F was in attendance and was supported by Mr S A (Solicitor) who gave evidence in support of his case.

After considering all the evidence presented together with the representation made including evidence given by two witnesses on behalf of the Licensing Service, the Panel determined that the appeal be dismissed and the immediate revocation be upheld on the following grounds:

- He had fallen well below the minimum standards required for a Hackney Carriage and Private Hire Driver
- His inappropriate behaviour coupled with the use of foul and abusive language
- The failure to present extenuating circumstances to warrant a deviation from the Council's Guideline Policy for Criminal Convictions and the presentation by the Licensing Service of sufficient evidence to show that he was not a fit and proper person to hold such a licence

- His breach of Condition 4(c) of the licensing terms and conditions, namely the failure to conduct himself with civility and properly towards every person hiring his vehicle or being conveyed in it.

The decision of the Panel was unanimous.