

NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

3rd April, 2018

Present: Councillors C Wraith MBE (Chair), Millner and Spence together with Councillor Clarke (Reserve Member).

Members of the Public and Press were excluded from all meetings.

1 Declarations of Interests

Councillor C Wraith MBE declared a non-pecuniary interest in item 4 'Hackney Carriage and Private Hire Driver's Licence – Appeal against Revocation – Mr J C F' as he had been consulted on this item prior to the revocation of the licence.

Councillor C Wraith MBE left the meeting during the discussion and voting on this item.

Councillor Clarke took the Chair for this item.

2 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr N B

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 B.

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

After considering all the information and representations made the Panel decided that there was sufficient justification to allow Mr N B to retain his Hackney Carriage and Private Hire Driver's Licence subject to:

- Him being required to undertake and pass a Council approved Driver Awareness Course within three months at his own expense
- Any further offences being committed, which results in additional points being added to his DVLA Licence, requiring him to appear before a Panel of the General Licensing Regulatory Board which may result in his Licence being revoked
- The Panel emphasising the importance of the Final Written Warning which was issued to him following his appearance before a General Licensing Regulatory Board Panel meeting held on the 21st July, 2018. The Written Warning being kept on file as to his future conduct

The decision of the Panel was not unanimous.

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

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.

Mr W S was in attendance and gave evidence in support of his case.

After considering all the information and representations made the Panel decided to grant the application for a Hackney Carriage and Private Hire Driver's Licence as there was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions and on the following grounds:

- The manner in which he presented himself
- The genuine remorse and shame shown at the offences committed
- The time that has elapsed since the first two offences were committed and the fact that they were committed whilst a juvenile
- The assurance that in relation to the drug offence, he was not intending to cultivate or supply
- The fact that he had previously held a taxi licence for approximately five years and had an unblemished record during that time
- His current employment
- The assurance given that he would strive to have an unblemished record
- The fact that he had proved sufficient extenuating evidence to convince the Panel that he was a fit and proper person to hold such a licence

The decision of the Panel was unanimous.

At this point in the proceedings, Councillor C Wraith MBE, having declared a non-pecuniary interest, left the meeting prior to the commencement of the next item.

Councillor Clarke took the Chair.

4 Hackney Carriage and Private Hire Driver's Licence – Appeal Against Revocation – Mr J C F

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

Mr J C F was in attendance together with Mr D W (Licensing Consultant) and Mr R T (Secretary of the Hackney Carriage Association) who gave evidence in support of his case.

After considering all the information and representations made the Panel decided that the decision to immediately revoke the Hackney Carriage and Private Hire Driver's Licence on the 9th February, 2018 be upheld and that the appeal against the decision be dismissed on the following grounds:

- The safety of the public – the Panel felt that there was sufficient doubt as to his fitness to hold such a licence particularly in the light of the circumstance of the case
- His previous appearance before a General Licensing Regulatory Board Panel where he was allowed to retain his licence (subject to conditions) and the issuing of a Written Warning all of which should have acted as a deterrent and shown the seriousness of contravening Licensing Conditions. His current action betrayed the trust placed in him when the licence had been determined in October 2017
- The Panel felt that Mr J C F had contravened Paragraph 3.1 of the Council's Guideline Policy for Criminal Convictions and believed he had used a mobile phone whilst in charge of a vehicle and was not, therefore, considered to be a fit and proper person to hold such a licence
- He had presented no extenuating circumstances to warrant a departure from the Council's Guideline Policy for Criminal Convictions and the Licensing Service had presented sufficient evidence to show that he was not a fit and proper person to hold such a licence

The decision of the Panel was unanimous.