

NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

27th November, 2018

Present: Councillors C Wraith MBE (Chair), Daniel Griffin and Cave together with Councillor Clarke (Reserve Member).

Councillor Clarke left the meeting prior to the commencement of the case.

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

1 Declarations of Interests

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

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

The Panel considered a report of the Service Director Legal Services on an application for the grant of a Hackney Carriage and Private Hire Driver's Licence by Mr M D.

Mr M D was in attendance and gave evidence in support of his case.

After considering all the information and representations made the Panel decided that in view of the evidence submitted and the limited information provided by the applicant, the application be refused on the following grounds:

- Whilst he confirmed that he had no criminal convictions recorded against him as a resident of his country or origin there was, nevertheless, insufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions in relation to migrant workers
- He had received a Caution for theft in 2016 two weeks after coming to the UK (for the purposes of the hearing and for taxi licensing matters, the Panel regarded the Caution as a Conviction. The applicant accepted the same at the hearing)
- He had been dishonest in failing to declare on the Application Form that he had received a Caution for theft

The decision of the Panel was unanimous.

8th January, 2019

Present: Councillors C Wraith MBE (Chair), Sumner and P Birkinshaw together with Councillor Kitching (Reserve Member).

3 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr D J

This item was withdrawn.

4 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr M B K

The Panel considered a report of the Service Director Legal Services requesting the determination of the Hackney Carriage and Private Hire Driver's Licence held by Mr M B K.

Mr M B K was in attendance and gave evidence in support of his case.

After considering all the information and representations made the Panel decided that the licence be revoked as he was not considered to be a fit and proper person to hold such a licence on the following grounds:

- The Panel heard no extenuating circumstances to suggest that allegations made against Mr M B K were incorrect
- The safety of the travelling public which was a primary consideration for the Panel when considering a Hackney Carriage and Private Hire Driver's Licence
- The evidence presented at the hearing by the driver which was contradictory
- The type of offence committed, his apparent lack of knowledge of Licensing Conditions, the safeguarding concerns, his complete lack of remorse and the potential reputational damage to the Council of such an offence

The decision of the Panel was unanimous.

5 Hackney Carriage and Private Hire Driver's Licence – Application – Mr M J K

The Panel considered a report of the Service Director Legal Services requesting the determination of the Hackney Carriage and Private Hire Driver's Licence held by Mr M J K.

Mr M J K was in attendance and gave evidence in support of his case.

After considering all the information and representations made the Panel decided that the application be refused on the following grounds:

- One offence in respect of which the Council's Guideline Policy for Criminal Convictions indicated that applications should always be refused. No extenuating circumstances were submitted to indicate that there should be a deviation from the policy in this regard
- An offence for dishonesty which raised concerns about the applicants trustworthiness and demonstrated that he did not take responsibility for his actions
- The failure to declare on the current application form that he had previously been a licensed driver for Wakefield (a licence that was subsequently suspended) and his failure to declare that he had made an application to Rotherham (which was refused)
- There was insufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions as he had not convinced the Panel that, in the light of those convictions and offences, he was a fit and proper person to hold such a licence.

The decision of the Panel was unanimous.