

NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

5th February, 2019

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

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 – Determination – Mr S D

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 S D.

Mr S D was in attendance together with Mr M C (Hackney Carriage Association) who gave evidence in support of his case. The driver also submitted a written submission by Mr D W (Licensing Consultant) which gave evidence in support.

After considering all the information and representations made the Panel decided that the driver be allowed to retain his licence but that:

- The licence be suspended for one month
- He be required to undertake and pass (within three months at his own expense) the Council's Knowledge Test
- He be issued with a Final Written Warning which will be kept on file as to his future conduct

The decision of the Panel was unanimous

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

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 S C.

Mr S C 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:

- The number, type and frequency of the offences committed including violent, drug, drink and driving related offences

- Whilst the applicant did not deny any of the offences, the Panel felt that in explaining the situation of each offence, he had been evasive and it took a lot of probing to find out what occurred on each occasion
- He had 7 convictions recorded on his DBS including 3 violent offences
- In committing these offences the applicant stated that these were not premeditated, they were, nevertheless, as a result of him reacting to situations. When dealing with a licence application, the main issue the Panel had to consider in ensuring public safety was how he would react to similar stressful situations
- Whilst the Panel gave him credit in that he presented himself well and for what he had done in the community, he nevertheless fell short of the Council's Guideline Policy and was not deemed 'fit and proper'

The decision of the Panel was unanimous.

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

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 P A.

Mr P A 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, taking account of the manner in which the applicant presented himself, the applicant was a fit and proper person to hold such an licence and the application was granted for 6 months with review at the end of that period 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
- He entered the country as an asylum seeker in 2015
- He became a naturalised citizen in 2015 and, as such, had the right to live and work in the UK and he had undertaken employment whilst in the country
- He had an excellent command of the English Language
- Whilst resident in his country of origin he confirmed that he had no criminal convictions recorded against him
- His Enhanced DBS check had come back clear and had been since he came into the UK

The decision of the Panel was unanimous.

5th March, 2019

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

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

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 R.

Mr M R 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, taking account of the manner in which the applicant presented himself, the applicant was a fit and proper person to hold such an 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
- He entered the country as an asylum seeker in 2010 at the age of 17
- He became a naturalised citizen in 2017 and, as such, had the right to live and work in the UK
- He had an excellent command of the English Language
- He had held positions of employment and had attended and undertaken courses of study at College and one year at University
- Whilst resident in his country of origin he confirmed that he had no criminal convictions recorded against him
- His Enhanced DBS check had indicated that he had not accumulated any serious convictions and his only offence was a speeding offence in 2015 which was now spent

The decision of the Panel was unanimous.

6 Hackney carriage and Private Hire Driver's Licence – Application – Mr G K

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 G K.

Mr G K was in attendance and gave evidence in support of his case. He also submitted a report on Article 31 of the 1951 Convention relating to the Status of Refugees which the Panel deemed irrelevant in determining the case.

After considering all the information and representations made together with the limited information provided by the applicant the Panel decided that the application be refused on the following grounds:

- Whilst he confirmed that he had no criminal convictions recorded against him as a resident in his country of 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 three dishonesty offences and a serious driving conviction, an offence which the Panel viewed as being extremely serious

- In relation to the three dishonesty offences, the Panel understood the reasons for this and whilst these were serious offences, the Panel gave less weight to them when arriving at its decision
- The Panel noted that with regard to the driving conviction, he would not meet the Council's Policy for being eligible for a Hackney Carriage and Private Hire Driver's Licence until December 2020

The decision of the Panel was unanimous.

7 House to House Collectors Licence – Application

The Service Director Legal Services submitted a report on an application for the grant of a House to House Collectors Licence by A.Ltd.

After considering all the evidence presented and, in the absence of any representations from the Company at the hearing to present information to support their case the Panel decided that the application be refused on the following grounds:

- In accordance with the House to House Collections Act 1939, the total amount to be applied for charitable purposes as a result of the collection (12%) was inadequate in proportion to the value of the proceeds likely to be received. The Local Authority would normally expect at least 95% of the proceeds to be given to charity or 90% if this was the first collection (allowing for set up costs) unless there were good reasons for an alternative percentage to be given
- The public were likely to be misled as to the purposes of the collection and the proposed costs to be paid from the proceeds of that collection bearing in mind that they would be donating in good faith and believe that the majority of the money or products donated would directly benefit the charity concerned
- The Company had not sufficiently explained how the collectors would be identified to households or whether or not they would be able to produce a letter of authorisation.

The decision of the Panel was unanimous.