

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

**28<sup>th</sup> May, 2019**

**Present:** Councillors C Wraith MBE (Chair), P Birkinshaw and Tattersall together with Councillor Sumner (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 Panel to determine the Hackney Carriage and Private Hire Driver's Licence held by Mr S D.

Mr S D was not in attendance to give evidence in support of his case.

After considering all the information and representations made the Panel decided that the Hackney Carriage and Private Hire Driver's Licence held by Mr S D be revoked on the following grounds:

- His failure to undertake and pass (within three months at his own expense) the Council's Knowledge Test without sufficient justification or explanation for failing to do so. This was a requirement imposed on him following his appearance before a General Licensing Regulatory Board Panel held on the 5<sup>th</sup> February, 2019
- His failure to attend this meeting to explain why he had not attended the Knowledge Test which meant that the Panel was unable to ascertain whether or not there were any extenuating circumstances for his non-attendance
- His previous breach of Licensing Conditions for which he had been issued with a Final Written Warning as to his future conduct and his driver licence suspended for one month
- His failure to acknowledge the seriousness of the offences committed and the requirements imposed on him for:
  - Leaving a Hackney Carriage unattended on a Hackney Carriage Rank and for failing to wear his Hackney Carriage and Private Hire Driver's Badge (both of which were prosecutable offences) and for falsifying his daily vehicle check sheet all of which resulted in him receiving three Written Warnings within one day
  - His failure to declare a previous speeding conviction for which he received a further Written Warning together with a previous Written Warning for failing to wear his driver's badge
- His apparent lack of responsibility and complete disregard of Licensing Conditions particularly in view of the help offered to him by both this Authority

and by his employer (who paid the fee and booked him on the Knowledge Test which he did not attend)

- The Panel deemed that he fell short of the Council's Guideline Policy for Criminal Convictions and the Licensing Service had produced sufficient evidence to show that he was not considered to be a fit and proper person to hold that licence

The decision of the Panel was unanimous.

**18<sup>th</sup> June, 2019**

**Present:** Councillors C Wraith MBE (Chair), Kitching and Tattersall together with Councillor Saunders (Reserve Member).

### **3 Hackney Carriage and Private Hire Driver's Licence – Application – Mr A S**

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 A S.

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

After considering all the evidence presented and taking account of the manner in which he presented himself the application for a Hackney Carriage and Private Hire Driver's Licence was granted on the following grounds:

- There was sufficient justification to warrant a deviation from the Council's Guideline Policy in relation to migrant workers
- He had the ability to live and work in the UK
- He entered the UK as an asylum seeker, and was, therefore, unable to provide information relating to his conduct prior to entering the UK
- His excellent command of the English language
- His employment history whilst in the UK
- The qualifications undertaken whilst in his country of origin, and since being resident in the UK
- The positive references provided
- The confirmation that he had no criminal convictions recorded whilst living in his country of origin
- The enhanced DBS check completed was clear and had been since he came into the UK

Due to the limited time spent in the UK, the licence was granted subject to a 6 month review period.

The decision of the Panel was unanimous.