

**Report of the Assistant Director to the
General Licensing Regulatory Board
to be held on the 4 September 2019**

DRIVER APPEAL'S UPDATE

1. Purpose of Report

The purpose of this report, is to provide Members with an overview of the results given by the Magistrates Court following the appeal by Private Hire and Hackney Carriage Drivers to the decision of the General Licensing Regulatory Board.

2. Background

The following drivers appeared before the General Licensing Regulatory Board and had their applications refused following a report by Officers that raised concerns as to their suitability to hold a Private Hire and Hackney Carriage Drivers Licence.

3. Current Position

Mr H appeared at Barnsley Magistrates on the 11 July 2019 to appeal against the Council's decision to immediately revoke his Private Hire and Hackney Carriage Drivers Licence on the 7 March 2019.

The Magistrates heard from Mr H, and our legal representative, Mrs Khalifa. Mrs Khalifa summed up, justifying the Councils decision, and ultimately submitting why the appeal must fail as the Council were not 'wrong' to have revoked Mr H's driver licence.

The Magistrates dismissed the appeal and in their reasoning they stated the following:

- Mr H was granted licences by Barnsley MBC in 2017. There was concerned raised by the Council at the time due to his criminal record and acts of dishonesty, which meant his licences were granted subject to extra conditions. Mr H fully complied with the conditions.

- Then came the incident in March 2019. Mr H transported 2 boys to school and allegedly used explicitly offensive and inappropriate language of a sexual nature when speaking to the boys. Mr H was a new driver for the boys.
- 3 educational professionals gave evidence in court. They mentioned the children and stated they are not prone to lying to the point of being brutally honest.
- The Magistrates determined that the Council were correct and Mr H is 'not fit and proper'.
- The Appeal is refused and costs of £445 were awarded.

In addition

The deputy Head teacher at the school was notified of the outcome of the hearing. She was really pleased and further offered to provide any training/assistance to drivers who undertake home to school transport.

Mr K appeared at Barnsley Magistrates on the 11th July 2019 to appeal against the Council's decision to revoke his Private Hire and Hackney Carriage Drivers Licence at the General Licensing Regulatory Board following an incident where Mr K refused to transport four visually impaired passengers and their guide dog.

The Magistrates considered the appeal and heard from Mr K and our legal representative, Mr Impey.

Mr K appealed to Magistrates Court against the decision made by Barnsley MBC Licensing on the 8th January 2019.

The Magistrates refused the appeal and stated the following:-

We have heard 4 people booked a taxi. Mr K's vehicle arrived equipped to carry those passengers. The passengers had a reasonable expectation they would be taken to their destination.

Mr K panics, seeing the dog and telephones the Operator. The Operator agrees to send another vehicle for the customers.

Mr K's by his own admission had not told the Operator of his fear.

Mr K failed to articulate to customers why he wouldn't take them and they were subsequently left vulnerable.

Being a licensed driver is a respected profession Mr K dealt with the situation in an unprofessional manner and so we find him not fit and proper.

In addition he did not comply with his license conditions in respect of his speeding offence

The Magistrates found that the Council acted appropriately in revoking the drivers licence and so refused the appeal.

In addition they ordered Mr K to pay costs of £900 to Barnsley MBC.

4. Proposal

Applicants who fail to meet the Council convictions policy will continue to be presented before GLRB for determination as the principal consideration is one of public safety.

5. Background Papers

Enforcement Officer Reports which contain exempt information are not available for public inspection

6. Officer Contact

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