

NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

1st October, 2019

Present: Councillors C Wraith MBE (Chair), P Birkinshaw and Tattersall together with Councillor Greenhough (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 – Application – Mr H H

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 H H.

Mr H H 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:

- 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.
- The Panel had grave concerns about his command of the English Language. The Panel noted his attendance at college for the past three years to study English. Despite this, the Panel was concerned that he had a limited understanding of the questions being asked and as a result the answers given to questions often repeated the original questions, or he failed to answer adequately. This raised concerns about how he would deal with customers as a licensed driver and therefore called into question his suitability to hold a license.
- Public safety was a paramount consideration, as a license holder he would be required to deal with all customers including those most vulnerable, disabled, or aggressive. The Panel felt that he would struggle to communicate due to his current command of the English language, and remained concerned about the safety of the public and that of himself.
- The Panel also noted the concerns of the Licensing Officer about his ability to understand officers in relation to enforcement or advice provided and to understand the license conditions and, therefore, had concerns about his ability to adhere to them.

The decision of the Panel was unanimous.

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

Mr M S 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:

- 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
- The Panel had grave concerns about his command of the English Language, which he himself admitted at the hearing was poor. The Panel noted his attendance at college for the past two years in Birmingham and latterly in Barnsley to study English. Despite this, the Panel was concerned about his limited understanding of the questions being asked, which he also admitted at the hearing, and which resulted in him failing to answer adequately. This raised concerns about how he would deal with customers as a licenced driver, and, therefore, called in to question his suitability to hold a license.
- Public safety was a paramount consideration, as a license holder he would be required to deal with all customers including those most vulnerable, disabled, or aggressive. The Panel felt that he would struggle to communicate due to his current command of the English language and remained concerned about the safety of the public and that of himself.
- The Panel also noted the concerns of the Licensing Officer about his ability to understand officers in relation to enforcement or advice provided and to understand the license conditions and therefore had concerns about his ability to adhere to them.

The decision of the Panel was unanimous.

4 Hackney Carriage and Private Hire Driver's Licence – Application – Mr P T

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 T.

Mr P T 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 approved as there was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions on the following grounds:

- The manner in which he presented himself
- The genuine remorse shown at the offences committed

- The time that had elapsed since the offences were committed and the fact that many were committed when he was young
- The assurance that he had changed his ways and was not the same person who committed those offences
- The fact that he had previously held a licence with Sheffield City Council for approximately six years and that there was no evidence to suggest that there were any causes for concern within this time
- His employment as well as his experience as a Public Service Vehicle driver taking vulnerable children to school with challenging behaviour
- The positive references supplied
- That fact that he had convinced the Panel that he was a fit and proper person to hold such a licence

The decision of the Panel was unanimous

1st October, 2019

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

5 Hackney Carriage and Private Hire Driver's Licence – Application – Mr D 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 D D.

Mr D D 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 approved as there was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions on the following grounds:

- The manner in which he presented himself
- The genuine remorse shown for the first offence and his claim that he had not been involved in the second offence despite the fact that he had been convicted at Magistrates Court
- The apologetic nature shown for the offence committed and the actions he took
- The fact that there was no offence against an individual
- His claim that he had matured, grown up and was no longer associated with the crowd of people who had caused trouble
- The time that had elapsed since the last offence
- The excellent character references submitted
- The fact that he had provided 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.

6 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr C R

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 C R.

Mr C R was in attendance and gave 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 C R be suspended for six months or until such time as he was declared medically fit by his GP to drive a Hackney Carriage and Private Hire Vehicle. Once information was received by the Licensing Authority confirming his fitness to drive a Hackney Carriage and Private Hire Vehicle, his driver licence would be reinstated forthwith (prior to the expiration of the suspension) without the need for further consideration by a Panel of the General Licensing Regulatory Board. The grounds for this decision were as follows:

- The primary and overriding consideration for the Panel was the protection of the public and the importance of protecting vulnerable people could not be more paramount
- The Panel commended Mr C R for the action he had taken in informing the DVSA, his GP and the Licensing Authority of his medical condition and in handing in his Hackney Carriage and Private Hire Driver's Licence. Nevertheless, it was concerned that he did not currently meet the medical standards expected of a professional driver holding a Class 2 licence. The Panel also noted that despite the fact that the licence had been returned, that licence still remained in force
- Whilst the Panel had every sympathy with Mr C R, it could not be satisfied that he was currently a fit and proper person to hold a Hackney Carriage and Private Hire Driver's Licence on medical grounds.

The decision of the Panel was unanimous.