

**Report of the Assistant Director to the
General Licensing Regulatory Board
to be held on the 19 February 2020**

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 Crown Court following the appeal by a Private Hire and Hackney Carriage Driver to the decision of the General Licensing Regulatory Board.

2. Background

The following driver appeared before the General Licensing Regulatory Board and had his private hire and hackney carriage drivers licence revoked following a report by Officers that raised concerns as to his suitability to hold a Private Hire and Hackney Carriage Drivers Licence.

3. Current Position

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.

Mr K then lodged a further appeal at Sheffield Crown Court which was heard on the 6th December 2019. The Court also dismissed the appeal as they heard nothing that caused them to believe that the earlier decision by the Magistrates Court was wrong.

Mr K was ordered to pay a further sum of £622.50 towards the local authority's costs.

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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