

NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

6th April, 2021

Present: Councillors Wraith MBE (Chair), Cherryholme and Franklin together with Councillor Clarke (Reserve Member).

Members of the Public and Press were excluded from these 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 and Operator Licence – Determination – Mr R F

Due to technical difficulties the driver was unable to attend the meeting virtually and, therefore, consideration of this item was deferred to a future meeting.

28th April, 2021

Present: Councillors Wraith MBE (Chair), Cherryholme and Franklin together with Councillor Clarke (Reserve Member).

3 Hackney Carriage and Private Hire Driver Licence and Operator Licence – Determination – Mr R F

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 R F.

Mr R F attended the meeting virtually and was supported by Mr D W (Licensing Consultant) who gave evidence in support of his case. Additional documentation and witness statements were also submitted, and it was asked if these could be taken into account in determining the licences.

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

- The Panel had serious concerns for the travelling public and for the protection of passengers if he were allowed to continue to drive a Hackney Carriage and Private Hire Vehicle and if he were allowed to continue as a Private Hire Operator given the incidents and breaches of conditions as now reported
- The number, type and frequency of his failings to comply with licence conditions and regulations
- His accumulation of 6 Written Warnings over the last 7 years for a variety of offences including failing to report an accident in the required time as per licence conditions.

The Panel felt that this demonstrated behaviour that was unacceptable for a Licence holder with the Authority

- He displayed an unacceptable attitude and conduct during inspections undertaken by Licensing Staff and Staff from the Smithies Lane Depot. The Panel saw no evidence that he was bullied by officers and indeed to the contrary they showed leniency in that he could have been prosecuted for parking on a Hackney Carriage Rank (twice) but was instead issued with Written Warnings
- He used an unlicensed vehicle to transport passengers for which he received a conviction in Sheffield Magistrates Court and his PSV Licence was revoked by the Traffic Commissioner following that prosecution
- Whilst he was commended for seeking help for his attitude and behaviour, it had been suggested that he would need a number of counselling sessions and, therefore, his state of mind was still in issue. Insufficient time had elapsed since he sought his referral for it to have made any meaningful progress in his treatment in changing that behaviour and attitude
- The Panel did not feel that he presented sufficient extenuating circumstances, given the seriousness and gravity of the offences and breaches of licensing conditions, and there was, therefore, insufficient justification to warrant him being allowed to retain his licences

The decision of the Panel was unanimous.

4th May, 2021

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

4 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr K I

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 K I.

Mr K I attended the meeting virtually and gave evidence in support of his case. He also submitted witness statements which he asked to be taken into account in determining his licence.

After considering all the information and representations made the Panel determined that there was sufficient justification for Mr K I to be allowed to retain his Hackney Carriage and Private Hire Driver's Licence subject to:

- Him being required to undertake and pass a Council Approved Driver Awareness Course at the earliest opportunity possible (once they become available) and at his own expense

- Him being issued with a Written Warning which will be kept on file for 12 months as to his future conduct

The decision was made on the following

- The manner in which he presented himself and his acceptance that he had committed the offences
- The remorse shown at the offences committed and the assurances given that these offences would not occur again
- The explanation given about the circumstances surrounding the incidents, including issues with his mental health and the health of his family
- The fact that he had been a licence holder for over 15 years with the Authority.

The decision of the Panel was not unanimous.