

NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

4th February, 2020

Present: Councillors Wraith MBE (Chair), Clarke and Danforth together with Councillor D Birkinshaw (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 A A

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 A.

Mr A A was in attendance together with Mrs A (his wife) who gave evidence in support of his case.

After considering all the information and representations made, including additional information submitted by Mr A A the Panel determined that the application for a Hackney Carriage and Private Hire Driver's Licence by Mr A A be refused on the following grounds:

- The conviction for two violence related offences and the fact that he had pleaded guilty to the same. This meant that Mr A A would never meet the Council's current policy for Criminal Convictions and would not meet the standards set by the Institute of Licensing Guidance until 2025
- The concerns that he did not inform a neighbouring authority of his convictions when renewing and acquiring a Hackney Carriage and Private Hire Driver's Licence issued by that Authority. The Panel did not believe his statement regarding the submission of information to that authority and this meant that he continued to drive as a taxi driver for three years in that area knowing that he had these offences recorded against him
- In considering all the evidence presented the primary consideration for the Panel was the safety of the travelling public. The Panel deemed that he fell short of the Council's Guideline Policy for Criminal Convictions. He provided no extenuating circumstances to warrant a deviation from that Policy and he was not, therefore, deemed to be a fit and proper person to hold a Hackney Carriage and Private Hire Driver's Licence

The decision of the Panel was unanimous.

3rd March, 2020

Present: Councillors Wraith MBE (Chair), D Birkinshaw and W Johnson together with Councillor Noble (Reserve Member).

3 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr R H

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 H.

Mr R H was in attendance together with Mr L W (Licensing Consultant) who gave evidence in support of his case.

After considering all the evidence presented the Panel determined that Mr R H 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 Assessment Course within three months at his own expense and also the issuing of a Written Warning which will be kept on file for 12 months as to his future conduct on the following grounds:

- The manner in which he presented himself and his acceptance that he committed the offence
- The explanation given about the circumstances surrounding the use of the mobile phone
- The genuine remorse shown at the offence committed
- The assurances given that this will not occur again
- 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 Panel did have some concerns about his explanation regarding his application for a taxi licence to another authority but it placed minimum weight on this in arriving at its decision.

The decision of the Panel was unanimous.

23rd June, 2020

Present: Councillors Wraith MBE (Chair), W Johnson and Wilson together with Councillor Eastwood (Reserve Member).

4 Hackney Carriage and Private Hire Driver's Licence – Determination – Mr D M

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 D M.

Mr D M was in attendance virtually together with Mr D W (Licensing Consultant) who gave evidence in support of his case.

After considering all the evidence presented the Panel determined that Mr D M be allowed to retain his Hackney Carriage and Private Hire Driver's Licence subject to the following conditions:

- In view of the number of breaches of licensing conditions and the safeguarding concerns, his licence be suspended for four weeks
- Him being issued with a Final Written Warning as to his future conduct
- Him being required to undertake a Council approved Safeguarding Course at the earliest opportunity possible and at his own expense

The decision was made on the following grounds:

- The manner in which he presented himself and his acceptance that he had displayed unacceptable behaviour which constituted a safeguarding concern
- The explanation given about the circumstances surrounding the incidents
- The genuine remorse shown at the incidents and offences committed, the fact that he stated that he had given up smoking and his assurance that the incidents and offences would not occur again
- The reference submitted by his employer
- The fact that he had provided sufficient extenuating evidence to convince the Panel that he was a fit and proper person to hold a Hackney Carriage and Private Hire Driver's Licence.

The decision of the Panel was unanimous.