

NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

26th January, 2021

Present: Councillors Wraith MBE (Chair), Birkinshaw and Hayward together with Councillor Green (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's Licence – Determination – Mr A S

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 A S.

Mr A S attended the meeting virtually and gave evidence in support of his case.

After considering all the information and representations made the Panel determined that the Hackney Carriage and Private Hire Driver's Licence held by Mr A S be revoked in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 on the following grounds:

- The primary consideration for the Panel was the protection of the travelling public. The Panel would have serious concerns for the travelling public and for the protection of passengers if Mr A S was allowed to continue to drive a Hackney Carriage and Private Hire Vehicle given the incidents as now reported
- Mr A S admitted the actions he had been accused of and he should have taken appropriate action to address his concerns
- He used a derogatory, insulting and offensive hand gesture to describe a passenger and whilst he claimed that this was to himself, he eventually accepted at the hearing that the use of this gesture was inappropriate
- These incidents occurred within a few metres of a school reception area and were clearly at variance to the safeguarding training which he had undertaken
- The Panel did not feel that Mr A S presented sufficient extenuating circumstances and, given that for the majority of the hearing he did not accept responsibility for the incident, there was insufficient justification to warrant him being allowed to retain his licence.

The decision of the Panel was not unanimous.

9th February, 2021

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

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

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 R.

Mr R R 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 R R to be allowed to retain his Hackney Carriage and Private Hire Driver's Licence subject to:

- Him being required to undertake 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 explanation of the circumstances surrounding the incidents
- The genuine remorse shown at the offences committed
- The assurance given that those offences would not occur again
- The fact that he had been a licenced driver for over 30 years and had never been subject to a complaint
- The six exemplary character references submitted
- The confirmation from the Licensing Service that he had a conscientious nature when dealing with vulnerable passengers and the fact that, over the years, he had contacted the Service on several occasions to report incidents he had dealt with to ensure that he had acted in accordance with his safeguarding training at all times
- The fact that he had provided sufficient extenuating circumstances to convince the Panel that he was a fit and proper person to hold such a licence

The decision of the Panel was unanimous.