

# Item 22

## NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

29<sup>th</sup> May, 2018

**Present:** Councillors C Wraith MBE (Chair), Daniel Griffin and Markham together with Councillor Lofts (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 – Determination – Mrs G M**

The Panel considered a report of the Service Director Culture, Housing and Regulation requesting the determination of the Hackney Carriage and Private Hire Driver's Licence held by Mrs G M.

Mrs G M was in attendance and gave evidence in support of her case. She also submitted two references/letters of support together with a letter from her solicitor which outlined the background to her current position.

After considering all the information and representations made the Panel decided that there the licence be revoked on the following grounds:

- The accumulation of 15 points on her DVLA Licence
- The offences committed would not become spent for nearly four years and, therefore, in accordance with the Council's Guideline Policy for Criminal Convictions, the licence should not be considered until the 13<sup>th</sup> March, 2021 at which point Mrs G M would still have 6 points on her DVLA Licence
- The issuing of three Written Warnings for the breach of the same Licensing Condition – 'failure to report'
- Her attendance at a Speed Awareness Course approximately 3 ½ years ago which was not reported to the Licensing Service
- Her failure to present any extenuating circumstances to warrant a departure from the Council's Guideline Policy for Criminal Convictions or to show that she remained a fit and proper person to hold such a licence

The decision of the Panel was unanimous.

19<sup>th</sup> June, 2018

**Present:** Councillors C Wraith MBE (Chair), Lofts and Shepherd together with together with Councillor Sumner (Reserve Member).

### **3 Declarations of Interests**

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on the agenda.

### **4 Hackney Carriage and Private Hire Driver's Licence – Application – Mr G B**

The Panel considered a report of the Service Director Culture, Housing and Regulation on an application for the grant of a Hackney Carriage and Private Hire Driver's Licence by Mr G B.

Mr G B was in attendance and gave evidence in support of his case. The Panel also received a letter of support from Mr D W (Licensing Consultant).

After considering all the information and representations made the Panel decided to grant the application as there was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions and 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 most were committed whilst he was young
- The assurance that he had changed his ways and was not the same person who had committed those offences
- The fact that he had previously held a taxi licence within Barnsley for approximately five years and that there was no evidence to suggest that there were any concerns regarding his behaviour or driving or any record of any complaints received
- 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.

### **5 Hackney Carriage and Private Hire Driver's Licence – Application – Mr Z S S**

The Panel considered a report of the Service Director Culture, Housing and Regulation on an application for the grant of a Hackney Carriage and Private Hire Driver's Licence.

Mr Z S S was in attendance and gave evidence in support of his case.

After considering all the information and representations made the Panel decided that in view of the evidence submitted and, taking account of the manner in which he presented himself, the applicant was a fit and proper person to hold such a licence and that the application be granted on the following grounds:

- There was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions in relation to migrant workers

- He entered the country as an asylum seeker at the age of 14, became a naturalised citizen in 2009 and, as such, had the right to live and work in the UK
- He had lived in the UK for a number of years and had held a position of work and was currently a licenced driver in Rotherham, a position he had held for approximately one year
- He had undertaken courses of study and was continuing such courses at University
- Whilst resident in his country of origin he had confirmed that he had no criminal convictions recorded against him
- His excellent command of the English Language
- His Enhanced DBS check had come back clear and had been since he came into the UK

The decision of the Panel was unanimous.

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