

GENERAL LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY, 3 OCTOBER 2019

Present:

Councillor Pat Kerry
Councillor Philip Wright (Chair)
Councillor Stephen Pickering

Also Present:

Mr M - Sheffield	Applicant
Mr H – Union Rep	
Mr H - Sheffield	Applicant
K Shillitto	Principal Solicitor
K Rowland	Licensing Team Leader
D Stanton	Governance Officer

281 Appointment of Chair for the Meeting

RESOLVED – That Councillor P Wright be appointed Chair for this meeting of the General Licensing Sub-Committee.

282 Declarations of Interest

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no declarations of interests by Members at this meeting.

283 Matters of Urgency - Open Session

There were no items of urgent business to be discussed at the meeting.

284 Exclusion of Public

RESOLVED - That the public be excluded from the meeting during discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Paragraph 1, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

285 Report of the Licensing Team Leader

(a) Mr M - Sheffield

The Sub-Committee considered Report No LTL/7/19-20/KR of the Licensing Team Leader in respect of Mr M – Sheffield. The purpose of the report was to enable Members to decide whether or not Mr M was a fit and proper person to continue to hold a Private Hire Vehicle Driver's Licence.

Mr M was present at the meeting, alongside his Union representative, Mr H. He confirmed that he had received a copy of the report, and the procedure to be followed at the meeting.

The Licensing Team Leader explained that Mr M had applied to renew a Hackney Carriage and Private Hire Vehicle Driver License. Mr M had satisfactorily completed his DVLA check, his right to work in the UK, NAFN register check, medical and safeguarding course.

It was stated that at the time of his renewal application, Mr M had completed a Disclosure and Barring Service (DBS) check. The DBS certificate included a number of convictions that included serious offences against the person and dishonesty. The Sub Committee heard that Mr M had been licensed with the Council since 2004 with the historical offences, however, in September 2018 the Council adopted a new Taxi Licensing Policy. Members were reminded that the recent policy change now placed the applicant outside of the revised policy, and was therefore brought before Members for consideration.

Mr M's Union representative, Mr H, explained that there had been a significant length of time since his client's initial convictions, and that a previous Licensing Sub-Committee had declared him 'fit and proper' and granted him a License. Mr M stated that there was no complaints on his record, and presented a letter of support from his current employer. Mr M reiterated that he had no complaints, and was a young man at the time of his early convictions. Mr M believed that he had mitigating circumstances to his most recent conviction.

The Licensing Team Leader asked Mr M to explain why he had failed to declare a driving prosecution from another Authority on his application form. The applicant claimed that he did not fully understand the question, and that a member of staff had helped him complete the form. The Sub-Committee also asked about the circumstances of his most recent conviction, and why he believed he had mitigating circumstances.

The Sub-Committee discussed the application.

Members were reminded that they must have regard to the policy document and the objectives set out within it. Notwithstanding the existence of the policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

Mr M, Mr H and the Licensing Team Leader was requested to leave the meeting while the Sub-Committee considered its decision.

The Sub-Committee having considered carefully all the written and oral evidence submitted to it:-

RESOLVED (unanimously) –

That Mr M be granted a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The reasons for the Sub-Committees' decision were as follows:-

The offences on Mr M's record were mostly historic, and since then he had demonstrated a reasonable record of conduct. The circumstances that had surrounded an assault of an authorised officer in 2012 did not justify Mr M being considered to be unfit to hold a licence.

Mr M, Mr H and the Licensing Team Leader were re-admitted to the meeting and advised of the above decision and their right to appeal against it to the Magistrates' Court within 21 days of the receipt of the decision notice.

(Licensing Team Leader)
(Paragraph 1)

286 Report of the Licensing Team Leader

(b) Mr H - Sheffield

The Sub-Committee considered Report No LTL/8/19-20/KR of the Licensing Team Leader in respect of Mr H – Sheffield. The purpose of the report was to enable Members to decide whether or not Mr H was a fit and proper person to hold a Private Hire Vehicle Driver's Licence.

Mr H was present at the meeting, and confirmed that he had received a copy of the report, and the procedure to be followed at the meeting.

The Licensing Team Leader explained that Mr H had provided the required documentation including a DVLA check, passport, Disclosure and Barring Service (DBS) Check, medical and had attended a safeguarding course. However, it was stated that during the application process, Mr H was asked to provide a certificate of good conduct to support his good character prior to his arrival in the UK. Members heard that Mr H was unable to provide such a document.

The Sub-Committee asked Mr H why he was unable to provide such a certificate of good conduct. Mr H stated that he arrived in the UK as a refugee, and no longer had a passport from his own country. Mr H stated that he had been employed in a variety of work during his time in the UK, including as a warehouse worker and a delivery driver. Members heard that Mr H was a 'family man'.

The applicant presented the Sub-Committee with a statutory declaration, and advised the Sub-Committee that he would be able to provide them with a reference from his current employer.

The Sub-Committee discussed the application.

Members were reminded that they must have regard to the policy document and the objectives set out within it. Notwithstanding the existence of the policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

Mr H and the Licensing Team Leader were requested to leave the meeting while the Sub-Committee considered its decision.

The Sub-Committee having considered carefully all the written and oral evidence submitted to it:-

RESOLVED (unanimously) –

That Mr H be granted a Hackney Carriage and Private Hire Vehicle Driver's Licence.

The reasons for the Sub-Committee's decision were as follows:-

The statutory declaration and explanation of the circumstances in which he came to this country gave sufficient reason to depart from the policy requirement that a certificate of good conduct be provided.

Mr H and the Licensing Team Leader were re-admitted to the meeting and advised of the above decision and their right to appeal against it to the Magistrates' Court within 21 days of the receipt of the decision notice.

(Licensing Team Leader)
(Paragraph 1)

287 Matters of Urgency - Closed Session

There were no items of Urgent Business.