



## Notice of a meeting of Full Licensing Committee

**Wednesday, 8 June 2022**

**6.00 pm**

**Council Chamber - Municipal Offices, Promenade**

<b>Membership</b>	
<b>Councillors:</b>	David Willingham (Chair), Angie Boyes (Vice-Chair), Wendy Flynn, Tim Harman, Richard Pineger, Julie Sankey, Diggory Seacome, Izaac Tailford, Simon Wheeler and Bernard Fisher

The Council has a substitution process and any substitutions will be announced at the meeting.

### Important Notice

#### Filming, recording and broadcasting of council meetings

This meeting will be recorded by the council for live broadcast online at <http://www.cheltenham.gov.uk> and [www.youtube.com/user/cheltenhamborough](http://www.youtube.com/user/cheltenhamborough).

The Chair will confirm this at the start of the meeting.

If you make a representation to the meeting, you will be deemed to have consented to be filmed, and to the possible use of those images and sound recordings for broadcasting and/or training purposes.

### Agenda

<b>1.</b>	<b>APOLOGIES</b>	
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>3.</b>	<b>PUBLIC QUESTIONS</b> These must be received no later than 12 noon on the fifth working day before the date of the meeting	
<b>4.</b>	<b>MINUTES OF PREVIOUS FULL LICENSING COMMITTEE MEETING</b> To approve the minutes of the last Full Licensing Committee meeting, held on 1 <sup>st</sup> September 2021.	(Pages 3 - 6)
<b>5.</b>	<b>MINUTES OF LICENSING SUB-COMMITTEE MEETING</b> To approve the minutes of the Licensing Sub-Committee – Miscellaneous meeting, held on 6 <sup>th</sup> April 2022.	(Pages 7 - 10)
<b>6.</b>	<b>APPOINTMENT OF SUB-COMMITTEES</b>	(Pages

			11 - 14)
7.		<b>APPLICATION FOR A (LATE) RENEWAL OF PRIVATE HIRE VEHICLE PROPRIETOR'S LICENCE</b>	(Pages 15 - 20)
8.		<b>REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE</b>	(Pages 21 - 26)
9.		<b>LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION</b> <b>The committee is recommended to approve the following resolution:-</b>  "That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:  Paragraph 1; Information relating to any individual  Paragraph 2; Information which is likely to reveal the identity of an individual	
10.		<b>REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE</b>	(Pages 27 - 40)
11.		<b>REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE</b>	(Pages 41 - 48)
12.		<b>BRIEFING NOTE: TAXI SAFEGUARDING</b>	(Pages 49 - 52)
13.		<b>REVIEW OF PREVIOUS DECISIONS</b>	
14.		<b>ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION</b>	
15.		<b>DATE OF NEXT MEETING</b>	

**Contact Officer:** Claire Morris, Democratic Services, 01242 264130  
**Email:** [democratic.services@cheltenham.gov.uk](mailto:democratic.services@cheltenham.gov.uk)

## Full Licensing Committee

**Wednesday, 1st September, 2021**

**6.00 - 7.50 pm**

<b>Attendees</b>	
<b>Councillors:</b>	David Willingham (Chair), Jonny Brownstein, Steve Harvey, Tim Harman, Alisha Lewis, Diggory Seacome, Jo Stafford, Simon Wheeler and Suzanne Williams
<b>Also in attendance:</b>	Vikki Fennell and Louis Krog

## Minutes

- 1. APOLOGIES**  
Cllr Boyes gave her apologies.
- 2. DECLARATIONS OF INTEREST**  
There were none.
- 3. PUBLIC QUESTIONS**  
There were none.
- 4. MINUTES OF THE PREVIOUS MEETING**  
The minutes of the meetings held on 3 March and 9 June 2021 were approved.
- 5. MINUTES OF SUB-COMMITTEE MEETINGS**  
The minutes of the Licensing Alcohol and Gambling Sub-Committees held on 3 March and 22 June 2021 were approved and the minutes of the Licensing Miscellaneous Sub-Committees held on 7 April, 28 April and 7 July 2021 were also approved.
- 6. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE**  
The Licensing Team Leader introduced the report. Mr Khalid Mahmood holds Hackney Carriage Driver's licence HCD205 and has been licensed since 2018.

On 4 August 2021 Mr Mahmood reported to the Authority that he had received notice that 3 penalty points were to be imposed on his DVLA driving licence for a speeding offence, bringing his total number of points to 9. Details of the offences were attached as background papers. In light of the offences and the information provided, the matter was being referred to the Licensing Committee to allow Members the opportunity to consider whether Mr Mahmood was a fit and proper person to hold a licence.

In response to a Member question, the Licensing Team Leader confirmed that Mr Mahmood had advised the authority within the required 7 days and that the apparent delay was an administrative one.

Mr Mahmood addressed the Committee. He said he could not justify the points and could only apologise.

### **Member questions:**

In response to Member questions Mr Mahmood responded as follows:

- The first two offences were on the A40 road works where a different speed limit was in place. He was caught by camera at 2am. The last offence occurred when he was taking his son to the airport and he was caught by a mobile camera so incurred points.
- He had not undertaken a speed awareness course
- He could not defend the speed he was driving at but had informed the Council that he had been penalised with 3 points. The Licensing Officer confirmed this but did not know the actual speed he had been driving at.

### **Member debate**

Members raised the following points:

- That members had been lenient on points relating to the roadworks on the A40 in the past. This should therefore be considered when looking at his first two sets of points.
- They questioned by how much he was speeding as that was not apparent; although had it been by a significant margin he would have lost his licence. The committee focus was to decide if Mr Mahmood was a safe and proper person to drive a taxi and to ensure public safety. It would be for the court to remove his driving licence if there were further speeding offences.
- Revocation of the licence was deemed to be disproportionate as there were mitigating factors as Mr Mahmood had reported these offences to the Council himself, which many drivers did not.
- Members considered the options as outlined in para 1.4.2
- They noted that all 9 points had been accrued since 2018 . Mr Mahmood appeared to be saying he was unaware of where the cameras were located rather than staying within the defined speed limits so an enhanced driving test within 2 months seemed to be the appropriate option in this case.

The Chair proposed:

- To issue a written warning
- To do a private hire driving test within 2 months
- Delegation to officers
- To consider suspending until above completed

### **Applicant's response**

Mr Mahmood confirmed he had nothing more to add.

### **The matter went to the vote:**

Vote on recommendation 1.4.1 - No action if the Committee think that Mr Mahmood is a fit and proper person to continue to hold his licence.

For : 0

Against : Unanimous

Vote on recommendation 1.4.2 :

- a. Give a written warning

Against : 1

For : 8

- b. The driver to pass an approved private hire test at the driver's own expense, within 2 months of their decision.

Unanimous

- c. Suspend the licence until the test is completed.

Against : 3

For : 6

- d. At the end of the 2 month period, if the course is not completed.

Suspend : For 4

Revoke : For 4

Abstention : 1

Chair casting vote to revoke

In conclusion the driver was given a written warning, instructed to do the enhanced test, suspended until the test is completed and if not completed within 2 months without good reason, Officers have the delegated authority to revoke the licence.

Vote on 1.4.3 to suspend with immediate effect:

Against : 7

For : 2

The Licensing Team Leader would write to explain the right to appeal within 21 days.

### **7. CONSULTATION ON REVISED GAMBLING STATEMENT OF POLICY**

The Licensing Team Leader presented the paper. There was no further comment.

### **8. TEMPORARY ADJUSTMENT TO LICENSED VEHICLE INSURANCE REQUIREMENTS**

The Licensing Team Leader presented the paper. There was no further action required.

### **9. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION**

There were none.

### **10. LOCAL GOVERNMENT ACT 1972-EXEMPT INFORMATION**

**The committee approved the following resolution:-**

“That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

**11. EXEMPT MINUTES OF SUB-COMMITTEE MEETINGS**

The exempt minutes of the Licensing Alcohol and Gambling Sub-Committee held on 3 March 2021 and of the Licensing Miscellaneous Sub-Committee held on 28 April 2021 were approved.

**12. DATE OF NEXT MEETING**

Wednesday 3 November 2021.

David Willingham  
**Chairman**

## Licensing Sub-Committee - Miscellaneous

Wednesday, 6th April, 2022

18:00

Attendees	
<b>Councillors:</b>	David Willingham (Chair), Angie Boyes (Vice-Chair), Alisha Lewis, Diggory Seacome and Simon Wheeler (Reserve)
<b>Also in attendance:</b>	One Legal and Senior Licensing Officer

## Minutes

### 1. APOLOGIES

There were apologies from Councillor Stafford and Councillor Wheeler attended as a substitute.

### 2. DECLARATIONS OF INTEREST

There were none.

### 3. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were agreed.

### 4. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE PROPRIETOR'S LICENCE

The Senior Licensing Officer introduced the report.

The matter then went to Member questions for the officer and the responses were as follows:

- There are very few drivers that swapped to private hire, however we do need to be aware that may be setting a precedent.
- There are very few big proprietors who switched to private hire.
- In this particular case the applicant could have applied to renew in September, however he would have had to renew again on the 31/12 with another test etc.

The applicant then addressed the committee and made the following points:

- It was all a matter of timing for him with his renewal in September.
- He chose not to get a WAV due to the expense.
- He was a sole trader but chose to go to private hire which cost an extra £270.
- He chose not to go to a third party due to the cost involved with the fee that you have to pay to the third party.
- It would be better if he could go back to being a hackney carriage driver.

During the Member debate the Members made the following points:

- There needs to be discussion that the committee is happy to give officers the delegation to make this decision ongoing.

- The change to the WAV was unfortunate it was bad timing in this particular case.
- The priority has to be to make life easier for the driver.

The matter went to the vote on  
1.9a – the vote was unanimous in favour.

To close the matter the Chair stated that this would draw a line under the matter unless a driver has already engaged with officers on the matter, the committee would not consider any future applications.

### **5. DRAFT LICENSED VEHICLE EMISSION AND WHEELCHAIR ACCESSIBILITY POLICY**

The Cabinet Member introduced the report and started with thanks to Louis and Jason for all their hard work, along with engagement with him as the Cabinet Member, other colleagues and the accessibility forum. The aim is for a wheelchair accessible fleet without too much pressure on the trade. The aim to have a zero carbon fleet by 2030 looks complicated but it takes a vehicle by vehicle and category by category approach.

The Senior Licensing Officer confirmed that the closing date for the consultation is 25<sup>th</sup> April 2022.

Members comments were as follows:

- Huge thanks was given to the Licensing team for their work in a very well written and laid out report.
- The phased approach to bringing in these changes seems like a good idea.
- There was praise given due to the trade engagement.
- There was a question raised with regard to the fleet being silver and how easy silver cars are to obtain. The Senior Licensing officer confirmed that this will be looked into.
- With regard to electric vehicles there was acknowledgement that charging points would be needed on the rank and that pressure would need to be put on GCC to make sure that there are charging points on terraced streets.
- There needs to be numerical analysis of the different pathways – how will the role out run in terms of number, safe vehicles and obtaining a good life out of them.
- It is important to clarify what is meant by a carbon neutral WAV.
- There will need to be an exceptional circumstances policy ie when a driver is waiting for a vehicle to be delivered, or if a vehicle is written off in a no fault accident.
- Consideration needs to be given to unexpected damage.
- There is a need to give the fleet time to prepare for the changes going forward, there needs to be a fully accessible fleet whilst respecting the economic constraints of the trade.

The Cabinet Member concluded the debate by explaining that the definition of carbon neutral is laid out by the government. With respect to electric vehicles there is acknowledgement that there will have to be a policy regarding pavements etc.



**6. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND WHICH REQUIRES A DECISION**

There were none.

**7. LOCAL GOVERNMENT ACT 1972 EXEMPT INFORMATION**

The decision to enter exempt session was voted for unanimously.

**8. EXEMPT MINUTES**

The minutes were approved.

**9. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE**

After the Senior Licensing Officer introduced the report and the matter went to Member questions and debate, the vote was taken and the decision was unanimous to revoke the licence with immediate effect.

David Willingham  
**Chairman**

This page is intentionally left blank

## Cheltenham Borough Council

### Licensing Committee – 8 June 2022

#### Licensing Committee Appointment of Sub-Committees

#### Report of the Licensing Team Leader

#### 1. Background

- 1.1 The Licensing Committee is one of two regulatory committees with a broad range of responsibilities and delegated powers. Its primary role is to determine contentious licensing applications, deal with all licence holder disciplinary issues, to suspend and/or revoke licences, to act as lead consultee to the Cabinet on all licensing matters and to establish licensing sub-committees. A list of the committee's delegated functions is set out in part 3C of the Council's constitution – Committee Functions.
- 1.2 On 12 April 2017 the Licensing Committee approved a revised committee structure to become effective from September 2017. The full committee continues to meet quarterly, acting as consultee to Cabinet / Lead Member on policy matters, establishing sub-committees and dealing with relevant briefings, training, updates and policies and reviewing performance.
- 1.3 The committee is made up of 10 Members and the political balance must equate to that of the Council. Each party can also nominate substitutes up to the number of places that each party has on the committee. The Members and substitutes were appointed at Selection Council on 16 May 2022.
- 1.4 Under the committee's revised structure, two sub-committees need to be established to discharge the committee's substantive business. The intention is that the membership of the sub-committees will rotate on an annual basis to maintain competency, experience and balance attendance requirements.

<b>Name of Sub-committee</b>	<b>No of Members</b>	<b>Politically Balanced</b>	<b>Special requirements/Quorum</b>	<b>Substitutes allowed</b>
Miscellaneous	5	Yes	Quorum of 3	Each party can nominate up to the same number of substitutes as members on the sub-committee.
Alcohol and Gambling	3	Not a requirement	3 Members of the Licensing Committee. All 3 Members must be present.	Not allowed. One or more reserves from the Licensing Committee can be nominated when the sub-committee is formed.

#### 1.5 The Committee is recommended to:

- i) **Select 5 Members to form the Miscellaneous Licensing Sub-committee (4 Lib Dems, 1 Conservative and up to the same no of substitutes);**
- ii) **That the Alcohol and Gambling Sub-Committee be constituted and note that**

**Members would be selected from the full committee on a first come first serve basis and those who were not on the miscellaneous sub-committee would be called upon first; and**

**iii) Appoint a chair and vice-chair for each sub-committees above.**

## **1.6 Summary of implications**

Legal As outlined in the report.

**Contact officer: One Legal**  
**E-mail: [legalservices@teWKesbury.gov.uk](mailto:legalservices@teWKesbury.gov.uk)**  
**Tel no: 01684 272693**

## **2. Review, structure and meeting arrangements**

- 2.1 In April 2017 the Licensing Committee approved a revised structure and operation. Under the revised structure, the Licensing Committee meets in full up to 4 times a year, acting as consultee to Cabinet / Lead Member on policy matters, establishing sub-committees and dealing with relevant briefings, training, updates and policies and reviewing performance.
- 2.2 The full committee establishes 2 licensing sub-committees to deal with the substantive business of the committee such as licence applications and reviews.
- 2.3 Sub-committee (1) (Miscellaneous) will have responsibility for hackney carriage, private hire and miscellaneous licensing functions, which will include but not be limited to street trading, objects on the highway, scrap metal dealers, charitable collections, sex establishments and animal establishments. This sub-committee will normally meet monthly and the dates of the meetings have been set in advance.
- 2.4 Sub-committee (2) (Alcohol and Gambling) - due to statutory requirements, when dealing with individual applications and reviews under the Licensing Act 2003 (alcohol, regulated entertainment and late night refreshment) and Gambling Act 2005, 3 members (plus one or more reserves from the Licensing Committee membership) will determine the application. This sub-committee will meet on a case-by-case basis on dates that cannot be set in advance and membership should be rotated amongst members of the full committee.

## **3. Performance management – monitoring and review**

- 3.1 All Committee Members and substitutes must be fully trained before they can participate in any meetings of the Licensing Committee or its sub-committees and until then can only attend as observers. Existing Members are expected to attend refresher training when provided.
- 3.2 The effectiveness of the new meeting arrangements and committee structure will be measured against its success in addressing the issues identified under the review's rationale.

---

**Background Papers**

Selection Council 16 May 2022 2.30 pm

**Contact Officer**

**Licensing Team Leader**

## **Agenda Item 6**

### **Appointment of Sub-Committees**

The nominations for membership of licensing sub-committees are as follows:

#### **Licensing – Miscellaneous**

Cllr Boyes

Cllr Flynn

Cllr Seacome

Cllr Wheeler

Cllr Willingham

#### **Licensing – Alcohol and Gambling**

Cllr Fisher

Cllr Harman

Cllr Pineger

Cllr Sankey

Cllr Tailford

This page is intentionally left blank

## Cheltenham Borough Council

### Licensing Sub-Committee – 8 June 2022

#### Application for a (Late) Renewal of Private Hire Vehicle Proprietor's Licence

#### Report of the Senior Licensing Officer

##### 1. Executive Summary and Recommendation

- 1.1 The matter before Members is a little complicated as it reflects a situation not envisaged or discussed in the legislation. The Local Government (Miscellaneous Provisions) Act 1976 refers to the grant of a vehicle licence and stays silent on other application types.
- 1.2 In practical terms there are usually 3 types of vehicle licence application: a new application, a renewal and a replacement.
- 1.3 A new application must meet all requirements of the council for such an application when it is made to the council.
- 1.4 A renewal or replacement application will usually benefit from 'continuity rights' in respect of an existing licence.
- 1.5 Members are asked to consider whether they would grant a late renewal vehicle application, and decide whether they would treat it as a renewal application notwithstanding that the existing licence has lapsed or would treat it as new application and so it would be required to meet all requirements for such applications.
- 1.6 The details of this case are included at ANNEX 1.
- 1.7 The applicant explains the reasons that they did not renew the licence when it expired, in many ways due to the impact of Covid, and explains that in some detail at ANNEX 2.
- 1.4 The sub-committee is asked to consider the matter and determine whether to:-
  - a) It gives delegated authority to officers to grant a late renewal or
  - b) Decide not to recognise any continuity rights and refuse to provide such delegated authority for a new application where the vehicle does not comply with current policy.

## 1.5.1 Legal

There is a right of appeal against a refusal to grant a licence which, in the first instance, is to the Magistrates' Court.

**Contact officer: One Legal**

**E-mail: [legalservices@tewkesbury.gov.uk](mailto:legalservices@tewkesbury.gov.uk)**

**Tel no: 01684 272015**

## 2. Background

- 2.1 Permission is sought to make a renewal application for a Private Hire Vehicle Proprietor's licence (a PHV licence).
- 2.2 Where an individual holds a PHV licence it is usually incumbent on them to renew that licence before their existing licence expires, to benefit from any 'continuity rights' that they may have given to them in having that existing licence. They may 'renew' the existing vehicle or replace it with a new vehicle under the transitional arrangements.
- 2.3 The trade had been badly affected by the ongoing pandemic and representations had been to that effect.
- 2.4 The Licensing Team has recently been approached by a number of vehicle proprietors since the council changed direction and did not decide to implement the requirement for all hackney vehicles to be WAV from 1<sup>st</sup> January 2022. They have made representations that the uncertainty surrounding the implementation of the WAV policy and the detrimental impact of the pandemic placed them in an invidious situation in respect of their licence renewals when they were due in 2021 or 2020.
- 2.5 They argued that uncertainty led them to choose not to renew and in some cases they disposed of that (previously) licensed vehicle.
- 2.6 This case is not related to the implementation of the WAV policy but the impact more of the pandemic on the vehicle proprietor. It should be noted that the proprietor is a woman and she does make arguments in her representations that could suggest it had more impact on her as a mother raising children during that period.
- 2.7 For such a decision to be justifiable, if Members are minded to approve such a late renewal, they must have reasons to depart from the council's usual policy in this respect. The grant of a renewal would also have to be granted with effect from the previous expiry date. This would mean that the licence holder would then be in the same position as if they made such an application when their previous licence expired.
- 2.8 The legislation is silent on the idea of a late renewal application.

## 3. Policy Considerations

- 3.1 Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the licensee/applicant and the risks to the safety and comfort of the public.
- 3.2 Each case will be decided on its own merits. The authority will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.
- 3.3 The overriding consideration is the safety of the public. Any vehicle application must meet the usual requirements of an application, in any event, such as meeting the council's age policy, provision of a valid MOT and council fitness test. It is felt there is no risk to public safety in connection with this matter.



- 3.4 The council has adopted a local policy to rPage 17inner in which it will carry out its licensing responsibilities under the hackney carriage and private hire legislation. The sub - committee must have regard to this policy in making its decision, but it may depart from it where it is considered appropriate to do so. If the sub – committee do depart from it they should provide cogent reasons for doing so.

#### **4. Licensing Comments**

- 4.1 The sub-committee is asked to consider the matter and determine whether to:-
- a) It gives delegated authority to officers to grant a late renewal or
  - b) Decide not to recognise any continuity rights and refuse to provide such delegated authority for a new application where the vehicle does not comply with current policy.

---

**Report Author**

**Contact officer:** Jason Kirkwood  
**E-mail:** [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)  
**Tel no:** 01242 264159

**Case Specifics**

**Name of applicant: MRS DIMKA PENEVA**

**Previously licence number: PHV114**

**Previous vehicle registration number: MJ15 VUP**

**Uniform case reference number (internal use only): 20/01174/PHIRVR**

**Date previous licence last expired: 08/09/2021**

**Previous vehicle: Ford Mondeo**

**New vehicle details: as above**

**The applicant is seeking an in principal decision regarding whether she will benefit from continuity rights on the application for a renewal application.**

Dear Council Committee

I currently hold private hire driver license PHD083 valid till 16.12.2022.

My car license has expired on 08.09.2020

Please see pictures attached.

( Just to justify of why I haven't returned the plate to the council- I have lost it somewhere- found it a week ago at the bottom of my car boot next to my spare tyre. Obviously when the first lock down hit in and I have stopped driving I've put it there and totally forgotten about it, regardless all my efforts to find it and return it back to Cheltenham Borough Council- I have send an email previously to explain this and to apologize for the inconvenience. My apologies ones again).

I am writing this email following a phone conversation with one of your colleagues today 16.05.2022 at 14.28pm, regarding renewal of my car license. As I have been explained the rules are that if I haven't kept renewing my license on time, in order for me to get now car license- I need to have other vehicle less than 5 years old, as my current car is already 7 years old, however I would like to explain in depth to you all of why I haven't been able to do so on time an why at the moment I really need your help, support and understanding of my current situation.

To start with my car is red Ford Mondeo, Reg No MJ15VUP. I have only 4 months left to fully pay my car, as I bought it August 2019 specifically and only to start private hire taxi business.

Up to this date my car has been regularly serviced by Fishers Volvo in Gloucester - office phone 01452424611, mobile 07841459906, please feel free to contact them and ask for any further information.

My car has been kept in great working order, clean and spotless ( if we dismiss the times when my kids make mess on school run), however I am absolutely confident that my car will pass the fit test without any issues!

Just to say that I've had two minor accidents- my fault- all reported to insurance company, no damage on the vehicle. Both when I wasn't a taxi driving. One or two parking tickets... that's about it...

Current mileage of the car is 134235.

When I started driving 16.12.2019 the mileage was about 80000.

Please note that I've only started driving about 3 months after I've obtained my car license, as I kept failing my knowledge exam and I only passed and got my drivers license December 2019.

So happy and excited that finally my new business is all up and running ( I've been working for Andy cars Cheltenham 01242262611- please feel free to call them and ask about my work ethic and professionalism), I've had the pleasure to only drive taxi for about less than 4 months, as the first heavy lock down because of Covid happened at the end of March in 2020...

So my original plan for taxi driving was to work part time- driving only at nights as I have two little kids ( Gabriella 7 years old and Ivan 3 years old ). At that moment my son was only 1.5 years old and my daughter was 5 years old... so ideally I was driving night times when I put my kids to sleep or as soon as my partner comes back from work. The idea was- my kids are not missing mama, and we have some extra income to support our household ( my partner at this time worked as teacher in Gloucester college with not so high salary). It was working great till lockdown.... Then all the hopes and dreams went down the drain...

I've started working at Sainsbyries in Gloucester Page 20opping support, night shifts, 3 nights a week from 2am till 6am. I did that for about 4-5 months... on the mean time some taxi companies started doing some work however it was only day time and only for few hours at the time.

There was no way I could afford to continue working as taxi as I could definitely not being able to earn enough so to pay babysitting, insurance, taxi rent etc.... So it wasn't really worth it for me to renewing my car license nevertheless I could not afford it.

The situation now is that my partner left the college to start working as sole trader ( currently not very busy at all , probably due to the whole global situation ... no idea... it is tough!! )

I am currently doing some cleaning jobs.....

basically we are both sole traders with no stable income... and I need to work extra so we can survive somehow.

There is no way I can afford to get new car...unfortunately....

My both kids now are attending full time school and nursery so I am having free time on my hands and I wold love to start driving my taxi if you you all consider to give my Red Ford Mondeo and me second chance...

This would be enormous help for our family and it would be greatly cherished and appreciated!!

I have already spoken with Andy cars - they said that they would absolutely love to have me back! Also at the moment it is open board offer - meaning that I would be able to drive day and night, again accordingly to my kids schedule as so they don't miss me and suffer mother's absence.

Dear all, please do get in touch with me if you need any further information. Probably and most likely I have missed some details, however I am quite emotional and excited right now to hear back from you!

Kind regards

Dimka Peneva

**Licensing Committee – 8 June 2022**

**Review of a Hackney Carriage Driver's Licence**

**Mr Hetul Vinodrai - HCD811**

**Report of the Licensing Team Leader**

**1. Executive Summary and Recommendation**

- 1.1 Mr Hetul Vinodrai holds Hackney Carriage driver's licence HCD811 which is due for renewal on 1 August 2023.
- 1.2 On 22 May 2022 the Licensing Section received a complaint about dangerous driving involving Mr Vinodrai's licensed vehicle.
- 1.3 In light of the above, a review of Mr Vinodrai's Hackney Carriage driver's licence is brought before the Licensing Committee because of:
- 1.3.1 The serious nature of the complaint; and,
- 1.3.2 The need to ensure that Mr Vinodrai is judged to be a fit and proper person to hold a Hackney Carriage driver's licence.
- 1.4 The Licensing Committee can resolve to:**
- 1.4.1 Determine to take no action if Members consider Mr Vinodrai to be a fit and proper person to hold a licence; or**
- 1.4.2 Take such of the following steps as the committee consider appropriate:**
- (a) Give a written warning**
- (b) Impose a requirement that Mr Vinodrai successfully undertake an advance driving assessment at his own expenses in a timescale determined by the Committee**
- (c) Suspend the licence**
- (d) Revoke the licence**
- 1.4.3 Subject to 1.4.2(c) or (d), Members should consider whether such suspension or revocation should take immediate effect in the interests of public safety pursuant to section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.**
- 1.5 Implications**
- 1.5.1 Legal                      There is a right of appeal against a decision to revoke a licence which, in the first instance, is to the Magistrates' Court.

**Contact officer: One Legal**  
**E-mail: [legalservices@tewkesbury.gov.uk](mailto:legalservices@tewkesbury.gov.uk)**

- 2.1 The Borough Council must be satisfied that the holder of a Hackney Carriage Driver's licence is a fit and proper person to hold that licence. The safety of the public is the paramount concern.

### 3. Policy Considerations

- 3.1 The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
- 3.2 Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 3.3 The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.
- 3.4 The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
- Relevance and date of the offence
  - Sentence imposed by the court
  - Age of person and circumstances when the offence was committed
  - Subsequent periods of good behaviour
  - Overall conviction history
  - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
  - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process
  - Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services • Any other matters that are relevant

### Appendix D - Code of Good Conduct for Licensed Drivers

- 3.5 The Council has adopted a Code of Good Conduct for licensed drivers. This includes the following:
- m) Drive with care and due consideration for other road users and pedestrians
  - n) Obey all Traffic Regulation Orders and directions at all time;

### Appendix M – Three Strikes Policy

- 3.6 The authority operates a policy for dealing with complaints, allegations and witnessed incidents of misconduct or infractions. This policy states:

#### **More serious offences**

*The following offences are deemed sufficiently serious that they will be excluded from this scheme, with prosecution or committee referral likely to result from a single incident:*

- *Plying for hire without HCV licence (or driving or standing for hire)*
- *Using an unlicensed vehicle for private hire*

- *Driving a licensed vehicle without a driver's licence*
- *Employing an unlicensed driver to drive a licensed vehicle*
- *Operating unlicensed vehicles, or operating vehicles without an operator's licence*
- *Refusing to accept booking to carry disabled passenger, or passenger with assistance dog*
- ***Injuring or endangering any person or property through wanton and furious driving or other wilful misconduct***
- *Carrying excessive number of passengers*

#### 4. Statutory Taxi & Private Hire Guidance

- 4.1 The Department for Transport's statutory guidance for licensing authorities was published in July 2021 and places a statutory duty on licensing authorities who "must have regard" to it when exercising their licensing functions.
- 4.2 The DfT standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, therefore the "importance of thoroughly considering these standards cannot be overstated."

##### Fit and proper test

- 4.3 The statutory guidance defines "fit and proper" as:

*"Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?"*

- 4.4 The statutory guidance goes on to say at paragraphs 5.13 and 5.14:

**If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.**

Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. **This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence.** The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction. [Emphasis added]

#### 5. Licensing Comments

- 5.1 The Licensing Committee must have regard to the statutory guidance and the provisions of its own policy when coming to a determination of this application for a review.
- 5.2 The Committee is under a statutory obligation to ensure that persons licensed as hackney carriage drivers are, and remain, fit and proper people.
- 5.3 Further details of the complaint and Mr Vinodrai's explanation is outlined in the accompanying background papers.
- 5.4 Mr Vinodrai has been sent a copy of this report and invited to attend this meeting to speak in support of his application and to answer members' questions or to be represented. In considering the application on its own merits Members should have regard to the adopted Probity Guide.

---

#### Background Papers

#### Service Records





Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



Document is Restricted

This page is intentionally left blank