

# **Cheltenham Borough Council**

## **Licensing Sub-Committee – 4 October 2017**

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

#### **Mr Arsalan Khan Maroofkhil – HCD127**

#### **Report of the Licensing Officer**

##### **1. Summary and Recommendation**

- 1.1 Mr Arsalan Khan Maroofkhil holds hackney carriage driver's licence HCD127 which is due for renewal on 15 January 2018.
- 1.2 A complaint has been made against Mr Maroofkhil, details of which are contained in the attached background papers.
- 1.3 In light of the complaint the matter is being referred to members of the licensing sub-committee to determine whether or not Mr Maroofkhil remains a fit and proper person to hold a hackney carriage driver's licence.
- 1.4 **The sub-committee is recommended to resolve that:**
  - 1.4.1 **Mr Arsalan Khan Maroofkhil's hackney carriage driver's licence be continued with no further action, because the sub-committee is satisfied that Mr Maroofkhil is a fit and proper person to hold such a licence, or**
  - 1.4.2 **Mr Arsalan Khan Maroofkhil's hackney carriage driver's licence be revoked as the sub-committee considers Mr Maroofkhil is not a fit and proper person to hold such a licence.**
  - 1.4.3 **Subject to resolution 1.4.2, that Mr Maroofkhil's hackney carriage driver's licence be revoked with immediate effect in the interest of public safety.**

##### **1.5 Implications**

- 1.5.1 Financial **Contact officer: Sarah Didcote**  
**E-mail: [sarah.didcote@cheltenham.gov.uk](mailto:sarah.didcote@cheltenham.gov.uk)**  
**Tel no: 01242 264125**
- 1.5.2 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: Vikki Fennell**  
**E-mail: [Vikki.Fennell@tewkesbury.gov.uk](mailto:Vikki.Fennell@tewkesbury.gov.uk)**  
**Tel no: 01684 272015**

##### **2. Background**

- 2.1 The Borough Council must be satisfied that the holder of a Hackney Carriage licence is a fit and proper person to hold that licence (Section 59 Local Government (Miscellaneous Provisions) Act 1976).

### 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. Although an applicant may have convictions that would fall under the guidelines in this policy, the Council 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. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, *courteous* [emphasis added], mentally and physically fit, honest and not persons who would take advantage of their employment.

### 4. Licensing Comments

- 4.1 The sub-committee must be satisfied that Mr Arsalan Khan Maroofkhil is a fit and proper person to continue to hold a hackney carriage driver's licence.
- 4.2 If Members are minded to allow Mr Maroofkhil's licence to continue, they may choose to instruct officers to issue Mr Maroofkhil with a warning letter as to his future conduct which will remain on file should further complaints come to light.
- 4.3 Mr Maroofkhil 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

#### Report Author

**Contact officer:** Mr Phil Cooper  
**E-mail:** [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)  
**Tel no:** 01242775200