



Report of the Divisional Officer Licensing, Food & Safety

General Licensing Committee 13 October 2017

For Information Only

Result of Appeals

NAME	COURT	DATES	OFFENCE	RESULT
Julie Webber	Swansea Magistrates Court	4 th July 2017	<p>Appeal against the decision of the General Licensing Committee not to grant hackney carriage and private hire driver licences on 21st April 2017.</p> <p>The reasons for the decision of the Licensing Committee were that Members were not satisfied that Ms Webber was a fit and proper person giving the following reasons:</p> <ol style="list-style-type: none"> 1. A taxi driver holds a very responsible position & a large number of persons depend on taxi drivers in or around the Swansea area. It is paramount, therefore, that a driver is a fit and proper person. 2. The Committee were satisfied the convictions for theft in 2015 were very serious. 3. The Committee heard orally from Julie Webber, and the contents of both letters – including one from the local MP - were read. The Committee considered 	<p>Appeal upheld</p> <p>No costs were awarded against the Authority.</p>

			<p>whether it should depart from its Guidelines. Ultimately, due to the severity of the convictions, Members were not satisfied that it was appropriate to reasonably depart from the Guidelines having regard to all the circumstances.</p> <p>4. Members were not satisfied that Julie Webber was a fit and proper person and the Committee considered it necessary to apply the Guidelines which requires a driver should be able to demonstrate a period of three to five years free of any convictions.</p> <p>The Magistrates upheld the Appeal stating that they had considered all the information put before them and they considered that the Appellant was a fit and proper person.</p>	
Allan Leslie Rees	Swansea Magistrates Court	19 th September 2017	<p>Appeal against the decision of the Licensing Committee to refuse to renew an application for Restricted Private Hire and Hackney Carriage licences.</p> <p>The reasons for the refusal were that</p> <p>1. The Committee did not deem Mr Rees to be a fit and proper person.</p> <p>2. The Committee considered the nature of the convictions to be more than minor offences and in light of the number of convictions the committee felt further action was needed to protect the travelling public.</p> <p>3. Having heard Mr Rees' explanations for the</p>	<p>Appeal Upheld.</p> <p>Full costs were awarded against the Authority totalling £658.00</p>

			<p>convictions Members felt that Mr Rees was not acting out of character and has and would continue to disregard the obligations to comply with other legal requirements expected of him.</p> <p>.</p> <p>The Magistrates upheld the Appeal stating that they had considered all of the information put before them and accepted the explanation of Mr Rees and found him to be a fit and proper person.</p> <p>Costs were ordered in full against the Local Authority in the sum of £658.00 as they found them to be <i>'just and reasonable'</i>.</p>	
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