



Report to Regulatory Panel

Meeting Date: 4th January 2023
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework: No
Public / Private: Public

Title: Hackney Carriage Driver – Failure to produce required documents
Report of: Licensing Manager
Report Number: GD 72/22

Purpose / Summary:

Daryl Mennell, a licensed Hackney Carriage Driver has failed to provide the Licensing Authority with required documents in order to ascertain his continued fitness and propriety to hold the Licence. Despite several attempts to communicate with Mr Mennell, the required checks have not been submitted and therefore referred to the Regulatory Panel to consider.

Recommendations:

To consider the content of the report and any representations made by the Licence Holder and come to a decision in line with the Options proposed in Paragraph 4.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

1. LICENSING BACKGROUND

- 1.1. Daryl Mennell has held a Hackney Driver licence since 2017. His current licence commenced 30th August 2020 and expires on 29 August 2023. (**Appendix 1**).

2. CURRENT ISSUE

- 2.1. From April 2022 the Licensing Authority undertake DVLA checks via Know Your People and a mandate form was sent to Mr Mennell in March 2022. We contacted him several times in the meantime and Mr Mennell was contacted again on the 5th October 2022 and a new form was provided for him to check and sign but to date we have not received the necessary information required to process the check.
- 2.2. Mr Mennell has been contacted on several occasions to request the information and to return the form to the Civic Centre and following an audit of checks by the Licensing Manager, the case was escalated.
- 2.3. As no contact was received by Mr Mennell, a letter was sent to him on 27th October 2022 notifying him that the matter would be referred to the Regulatory Panel for consideration. (**Appendix 2**)

3. LEGAL COMMENTS

- 3.1. Section 59 of the 1976 Act provides that a licensing authority shall not grant a Hackney Carriage Driver's Licence unless it is satisfied that the applicant is a fit and proper person to hold such a licence. Section 61(1)(b) enables the Panel to take action in respect of a driver if they consider that circumstances exist which mean that the driver is not, or is no longer, a fit and proper person to hold a driving licence.
- 3.2. While there is no statutory definition of 'fit and proper person', the Courts have given helpful guidance over the years and it is established that the objectives of the licensing regime are intended to ensure that licensed drivers are "suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers" (*McCool –v- Rushcliffe Borough Council [1998]*).
- 3.3. Mr Mennell has continually failed to meet the requirements of part of his Hackney Carriage Drivers Licences in a timely manner. He has failed to submit necessary documentation to the Licensing Department despite various reminders from the Council's Licensing Department.
- 3.4. Members need to consider whether Mr Mennell is, in light of these facts, a fit and proper person to continue to hold his licence. If not, it should be revoked. If the Panel feel that revocation is not necessary, it may consider whether a suspension or other lesser sanction is appropriate.

4. OPTIONS

4.1. Members are asked to consider the report and reach an agreement on the following options:

- Suspend Mr Mennell's Hackney Carriage Driver licence until such a time that he provides a signed KYP mandate form in order to undertake a check on his DVLA driving licence.
- In addition to the above, award Mr Mennell 4 penalty for not providing the necessary paperwork in a timely manner. (4 points total)
- Revoke Mr Mennell's Hackney Carriage Driving Licence.

Contact Officer: Nicola Edwards

Ext: 7025

Appendices

attached to report:

1. Hackney Carriage Driver Licence HD285
2. Letter to Mr Mennell dated 27th October 2022

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS:

LEGAL – contained within report

FINANCE – None

EQUALITY – The public sector Equality Duty and Equality Policy has been considered by the service manager in preparing the recommendations

INFORMATION GOVERNANCE – None

City of



Carlisle

Hackney Carriage Driver Licence HD285

Licence Holder

Daryl Leyden MENNELL

Date of birth

Licence ValidityValid from **30 Aug 2020** to **29 Aug 2023****IMPORTANT NOTES**

This licence is subject to the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.

The possession of this document does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.

This licence is not transferable

Wheelchair Accessible**Non Wheelchair Accessible****Conditions applicable to this licence are attached.**

Licensing Manager

Dated: **27 Aug 2020**

**CARLISLE
CITY COUNCIL****www.carlisle.gov.uk**

Governance and Regulatory Services

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Mr D L MENNELL

Enquiries to: Nicola Edwards
Direct Dial: 01228 817523
email: licensing@carlisle.gov.uk

27 October 2022

Dear Mr MENNELL

Despite several reminders you have still not returned a signed KYP mandate form in order for the Licensing Authority to check the status of your DVLA licence. You were originally sent a mandate form in March 2022 and have been telephoned on several occasions since.

You were contacted most recently on 5th October 2022 and a new form provided for you to check and sign but still you have failed to supply the necessary information or attend the Civic Centre to sign the form.

I would remind you that the documentation is required, not for administrative purposes, but to ensure the safety of the travelling public. Your failure to submit documentation on time and as required does not allow the Council to properly discharge its duty to ensure public safety by being able to verify your continued fitness and propriety.

The matter is therefore being referred to the Council's Regulatory Panel and a report will be prepared for the meeting of the Panel on 4th January 2023. The Regulatory Panel will have the option to revoke or suspend your Licence. You will be sent a copy of the report in due course and will be invited to attend the meeting.

Please contact the Licensing Department on 01228 817523 or licensing@carlisle.gov.uk licensing@carlisle.gov.uk if you have any questions about the content of this letter.

Yours sincerely

Nicola Edwards
Licensing Manager