

## **Licensing and Appeals Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 18 February 2019**

**Present:** Councillor Grimshaw – in the Chair

**Councillors:** T Judge and Reid

#### **LACHP/19/12. Exclusion of the Public**

A recommendation was made that the public is excluded during consideration of the items of business.

#### **Decision**

To exclude the public during consideration of the following items which involved consideration of exempt information relating to the financial or business affairs of particular persons, and public interest in maintaining the exemption outweighed the public interest in disclosing the information.

#### **LACHP/19/13. Application for a Review of a Private Hire Driver Licence (JI)**

The Committee considered the content of the report and the representations of the driver. The Committee considered it is a serious charge and an aggravating feature is that it is alleged that the offence was carried out by the driver against a passenger in his licensed vehicle.

Although the driver denies the allegation the matter is now before the Court and the CPS have assessed the evidence deemed there to be sufficient evidence to put it before a Court. The Committee also noted that the Magistrates Court had deemed it sufficiently serious to decline jurisdiction and send the matter up to the Crown Court.

In all the circumstances the Committee is not satisfied he is a fit and proper person and consider that the licence should be suspended with immediate effect on the grounds of public safety.

#### **Decision**

To suspend the licence with immediate effect pending outcome of the Court proceedings.

#### **LACHP/19/14. Application for a Renewal of a Hackney Carriage Driver Licence (SS)**

The Committee considered the representations of the applicant and the content of the report. The Committee considered that as a Manchester hackney carriage driver the applicant was well aware of the differences between a hackney carriage and private hire licence and would have been well aware that when working in his private

hire vehicle he could not ply for hire. He would also have been aware that the effect on the passengers is to leave them uninsured for the journey.

It was also clear from his representations that he was aware that it was more expensive to track or own a Manchester City Council hackney carriage vehicle and in fact he was carrying out private hire work as he found it too expensive to track a hackney carriage.

The Committee therefore considered he had deliberately taken an opportunity to take trade which if not pre booked through the operator should be hackney carriage trade which has a detrimental effect both on passengers and the Manchester hackney carriage trade. Therefore in all the circumstances the Committee did not find him to be a fit and proper person.

### **Decision**

To refuse to grant the renewal application.

### **LACHP/19/15. Application for a New Private Hire Driver Licence (CO)**

The Committee considered the representations of the applicant and the content of the report. The Committee took into the fact that the offences were all outside the guidelines and that the applicant had held responsible positions with another Local Authority and is also a current holder of an SIA badge.

However the Committee considered that the applicant had been minimising the offences during the hearing and must ensure he is fully open and honest in all his dealings with the Council.

### **Decision**

To grant the application with a warning as to the future conduct of the driver.

### **LACHP/19/16. Application for Renewal of a Private Hire Driver Licence (SN)**

The Committee considered the applicants representations and additional documentary evidence and the content of the report. The Committee took into account the applicants past experiences of violent incidents with prospective passengers which it accepted affected his decision on the day of the offence.

The Committee also took into account the fact that he had shown genuine remorse and had cooperated fully with enforcement officers and had admitted his guilt straightaway both to the Council and the Court.

The Committee also took into account the fact that since this incident he has taken positive steps to mitigate against getting into similar difficulties in the future by changing his work pattern and now works days only. Therefore in all the circumstances the Committee considered he is a fit and proper person.

### **Decision**

To grant the renewal application with a warning as to the future conduct of the driver.

**LACHP/19/17. Application for a Review of a Private Hire Driver licence (OA)**

The Committee took into account the representations of the applicant and the content of the report. The Committee was very concerned that the driver was subject to a police investigation for a very serious offence involving a fire arm. He was unable to provide any reasonable explanation as to the context of this investigation or his involvement in any incident which may have led to the investigation.

The Committee did not accept the explanation that the mere presence of the drivers vehicle in the city of Preston around the time in question led to the investigation and the seizure of his vehicle. The Committee also noted that there had been a previous conviction in relation to use of an offensive weapon .

The Committee was also informed that the police had seized a number of bags of cannabis whilst conducting a search of the licence holders house which the driver said were for his own personal use. In all the circumstances the Committee did not consider him a fit and proper person to hold a licence and given the seriousness and nature of the allegations considered that the suspension should be immediately effective on the grounds of public safety.

**Decision**

To suspend the licence with immediate effect on the grounds of public safety pending the outcome of the police investigation or any Court proceedings which may follow.

**LACHP/19/18. Application for a Review of a Private Hire Driver Licence (NC)**

The Committee accepted that the driver had a booking at the location at the time in question and that the wrong passengers got into the vehicle. The driver had stated that he dropped them off at the next bus stop and on the evidence the Committee accepted he could not have taken them to the airport, which is where they wanted to go as there was insufficient time for him to carry out that journey and return to the city centre to carry out his next booking.

The Committee also accepted that the area would have been very busy and chaotic on the night in question due to the concert taking place and that breach had not been carried out deliberately. However the driver should have asked the passengers to identify themselves and on discovering they were not his booked passenger he should have asked them to leave the vehicle immediately, therefore the Committee considered it appropriate to warn him as to his future conduct.

**Decision**

To issue a warning as to the future conduct of the driver.

**LACHP/19/19. Application for a New Private Hire Driver Licence (KPM)**

The Committee considered the representations of the applicant and the content of the report. Although the Committee was concerned that this was a serious offence committed in a licensed vehicle the Committee did also note that the conviction was from July 2008 and that the applicant had his driving licence returned in 2014 and has been driving since that time without any further incidents or motoring convictions.

The Committee was also concerned that the offence occurred as a result of the applicant working excessive hours and noted that he has learnt from this incident and now intends to give up his petrol station employment if the licence is granted and focus only on one job.

### **Decision**

To grant the application with a warning as to the future conduct of the driver.

### **LACHP/19/20. Application for a Renewal of a Private Hire Driver Licence (EHG)**

The Committee considered the representations of the applicant and the content of the report. The Committee accepted that the driver had shown genuine remorse for the incident. He told the Committee he had not read the full message from the operator and did not believe these were his passengers.

The Committee accepted that the offence had been committed by the driver as a result of a genuine mistake and lack of understanding on his part rather than a deliberate act. However he does need in the future to ensure he is fully aware of who his passengers are and if they have any special needs and the Committee strongly recommends the driver undertakes equality training provided by the Council.

### **Decision**

To grant the renewal application with a warning as to the future conduct of the driver.

### **LACHP/19/21. Application for a Review of a Private Hire Driver Licence and a Hackney Carriage Driver Licence (RAQ)**

The driver attended in person and made the application for an adjournment as further evidence from GMP had been served late on Friday. The Committee accepted that he and his solicitor needed time to consider the further evidence.

### **Decision**

To defer the matter to a time mutually convenient for all parties.