

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

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

**Present:** Councillor Ludford (Chair) – in the Chair

**Councillors:** Barrett and Grimshaw

#### **LACHP/19/22. 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/19/23. Application for a New Hackney Carriage Driver Licence (AR)**

The Committee took into account that the applicant has been driving for 6 years as a private hire driver.

The Committee take dishonesty matters very seriously, however the applicant acknowledged his wrong doing and the Committee classed this conduct as an isolated incident.

In regards to the allegations the Committee have considered them, however they have taken the facts into account which have been given today regarding the allegations and note that the police took no further action in regards to these matters.

#### **Decision**

To grant the application with a warning as to the future conduct of the driver. (Subject to the applicant passing the knowledge test)

#### **LACHP/19/24. Application for a Review of a Hackney Carriage Driver Licence (DO)**

This item was withdrawn prior to the hearing.

#### **LACHP/19/25. Application for a Review of a Hackney Carriage Driver Licence (JM)**

The Committee have taken into account the history of this matter. However they note that the driver stands convicted of one public order offence which has already been

considered by a Committee at a previous hearing. Further today the Committee have considered an allegation which was made against him by his daughter but have taken into account what you have said about the allegations and note that the police took no further action.

### **Decision**

To take no further action.

### **LACHP/19/26. Application for a New Private Hire Driver Licence (AM)**

This matter was deferred to 15 April 2019.

### **LACHP/19/27. Application for a New Private Hire Driver Licence (BA)**

The Committee have consider the conviction for common assault which they have classed as an isolated one off incident and conclude the Applicant has now learnt from his mistake. They also considered their statement of policy and guidelines in particular the guideline for common assault.

Whilst the Committee view any assault on a passenger as serious they have decided on this occasion to grant the licence with a warning due to the passage of time since the conviction.

### **Decision**

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

### **LACHP/19/28. Application for a New Hackney Carriage Driver Licence (FF)**

When making their decision the Committee considered their statement of policy and guidelines

The Committee considered the serious convictions for ABH against the applicant's wife and were appalled at the level of violence used against her. The sentence reflects how serious the courts viewed the offences. The fact that the applicant was intoxicated at the time in fact makes it much more serious. The explanation given by the applicant was not accepted by the Committee.

The Committee are concerned if this Application was to be granted they could not be satisfied that you would not be violent to members of the public and there is a risk to public safety.

### **Decision**

To refuse to grant the application.

### **LACHP/19/29. Application for a Review of a Private Hire Driver Licence (GOO)**

This item was withdrawn prior to the hearing.

**LACHP/19/30.            Application for a Review of a Private Hire Driver Licence (KH)**

The Committee took into account that the applicant had been a driver since 2011 and has continued to drive since the allegations. The Committee have taken into account what has been said in the report about the allegations and what the applicant said today and accepted your account.

**Decision**

1. To grant the application for a new Hackney Carriage Driver Licence (Subject to passing all tests)
2. To grant the renewal of the Private Hire Driver Licence.

**LACHP/19/31.            Application for a Review of a Hackney Carriage Driver Licence and a Private Hire Driver Licence (RQ) [additional item of business]**

The Committee have considered all the evidence in this case. The convictions the driver has are spent and have not been taken into account when the Committee have made their decision. The Committee can considered the allegations before them and they must consider them on the civil standard of proof which is the on the 'balance of probabilities'.

The Committee are concerned about the number of allegations and a pattern of behaviour which has occurred over a significant period of time. The Committee have taken into account that the driver was subject to a DVPO and the driver accepted when questioned that he had consented to this order. The Committee considered the test which the Magistrates would have had to be satisfied of before making an order. The court would have concluded that on the 'balance of probability' that an order is made to protect a person from violence or a threat of violence because the court has found that the driver had been violent towards or threatened violence towards that person and that an order is necessary to protect a person from violence or a threat of violence. This is relevant evidence to whether the driver was a 'fit and proper person'. Further the Committee have taken into account the statements from GMP when making their decision and the findings of the officers.

The Committee considered the references and petition, however in light of the above they concluded the driver was not a fit and proper person to hold a private hire and hackney carriage drivers licence.

**Decision**

To revoke both licences.