

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on 28 November 2019

Present: Councillor Ludford (Chair)

Councillors: Andrews and Jeavons

LACHP/20/1. Exclusion of the Public

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

LACHP/20/2. Renewal of Private Hire Driver Licence (MM) - PART B

The Hearing Panel considered an application for the renewal of a Private Hire Driver Licence. The Hearing Panel considered the report submitted along with the representations made by The Licensing Unit and the applicant.

The Hearing Panel took into consideration their Statement of Policy and Guidelines and concluded they could depart from the policy due to the circumstances put forward by MM and treated the incident as isolated. However, it was decided that a warning was an appropriate course of action to take in light of the recent conviction and this would be placed on the applicant's record.

Decision

To grant the renewal with a warning to be placed on the applicant's record as to their future conduct.

LACHP/20/3. Renewal of Private Hire Driver Licence (MZ) - PART B

The Hearing Panel considered an application for the renewal of a Private Hire Driver Licence.

The Hearing Panel Committee has considered the report provided along with the representations made by The Licensing Unit and MZ. The Hearing Panel noted that the offences before them fell outside the Statement of Policy and Guidelines but due to the nature and number they needed to be considered by the Hearing Panel. The Committee concluded there had been a sufficient period of rehabilitation (10 years) since the last offence. However, it was decided by the Committee that a warning was an appropriate course of action to take in light of the number and nature of the convictions.

Decision

To grant the renewal with a warning to be placed on the applicant's record as to their future conduct.

LACHP/20/4. Renewal of Private Hire Driver Licence (MC) - PART B

The Hearing Panel considered an application for the renewal of a Private Hire Driver Licence. The Hearing Panel considered the report submitted along with the representations made by The Licensing Unit and MC. The Hearing Panel also took into consideration their Statement of Policy and Guidelines regarding a drug related offence. The Hearing Panel did not accept the explanation given by MC regarding not declaring spent convictions when making the application. The Hearing Panel noted that the question on the application form is very clear and asks for all spent convictions to be declared.

The Hearing Panel has grave concerns about the nature and number of convictions MC has accumulated since 2002. They clearly show that MC had a drug problem and the Panel was deeply concerned that MC had a conviction for supplying drugs for which he received a substantial prison sentence. The Hearing Panel has a duty to protect the public and would not want the public driven around by a driver under the influence of drugs.

In addition, having heard from MC about the public order offences and resisting or obstructing a constable on his record, it was very clear that MC has a problem with authority, in particular, the police. The Hearing Panel concluded that MC is not a fit and proper person to hold a Private Hire Driver licence.

Decision

To refuse to grant the application of the renewal of Private Hire Driver Licence

LACHP/20/5. Renewal of Private Hire Driver Licence (SS) - PART B

The Hearing Panel considered an application for the renewal of a Private Hire Driver Licence. The Hearing Panel considered the report submitted along with the representations made by The Licensing Unit and SS. The Hearing Panel also took into consideration their Statement of Policy and Guidelines.

The Hearing Panel was able to treat the caution for criminal damage as isolated, the other matters were allegations and were not proved against SS. The Hearing Panel therefore, departed from the Statement of Policy and Guidelines after hearing about the circumstances surrounding the commission of the offence. However, they deemed it appropriate to issue a warning about future conduct of the applicant.

Decision

To grant the renewal of the licence with a warning to be placed on the applicant's record.

LACHP/20/6. Renewal of Private Hire Driver Licence (IE) - PART B

The Hearing Panel considered an application for the renewal of a Private Hire Driver Licence. IE attended the hearing and was not legally represented.

The Hearing Panel Committee was informed that IE had appeared before the Greater Manchester Magistrates Court on the 3 October 2019 and entered Guilty pleas to offences of Illegally Plying for Hire and the associated offence of No Insurance. He was sentenced by way of financial penalty and his driving licence endorsed with 6 penalty points. IE notified the Licensing Department of the conviction on the 15 October 2019.

The Hearing Panel referred to the Statement of Policy and Guidelines, the convictions of in respect of Illegally Plying for Hire, (Other Offences), and No Insurance, (Major Traffic Offences), were within the preceding 12 months. The Hearing Panel therefore, found the applicant not to be a fit and proper person for the purposes of holding a private hire licence and revoked the applicant's licence.

The Committee disregarded the Applicant's other road traffic convictions

Decision

To revoke the applicant's Private Hire Driver Licence.

LACHP/20/7. Renewal of Private Hire Driver Licence (DK) - PART B

The Hearing Panel considered an application for the renewal of a Private Hire Driver Licence.

The Hearing Panel was advised that the applicant had previously held a Private Hire Driver licence in 2011 but following a conviction in 2012, the licence was revoked. The Applicant had since applied for a Private Hire Driver licence on two previous occasions and held a Private Hire Driver's Licence and had applied for both a Hackney Carriage and Private Hire Driver's Licence in 2013 and February 2015.

The Hearing Panel acknowledged the conviction date was in 2012; that the Applicant had been on the Sex Offenders Register for seven years without any incident. However, the Hearing Panel was not satisfied with the explanation as to the circumstances of the conviction provided by the applicant in particular his lack of action with the appropriate authorities.

The Hearing Panel was of the opinion that the Applicant was evasive regarding the full circumstances of the offence by the police and were aware that Hackney Carriage and Private Hire drivers are trusted to carry young and vulnerable people.

The Hearing Panel reminded itself that the Council is charged with the duty of licensing private hire drivers, and part of that duty is to ensure that the public are protected by only granting licences to people who are fit to hold such licences and to ensure so far as possible that those licensed to drive vehicles 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.

Having regard to this and the current guidance of the Statement of Policy and Guidelines, the Committee was of the opinion the Applicant was not a fit and proper person to hold a licence and refused the Application.

Decision

To refuse the Renewal of Private Hire Driver Licence Application.

LACHP/20/8. Renewal of Private Hire Driver Licence (GO) - PART B

The Hearing Panel considered an application for the renewal of a Private Hire Driver Licence.

In view of the explanation given by the Applicant, the Hearing Panel could not go behind the conviction. The Panel also noted the Applicant had not lodged a Notice of Appeal.

Having regard to their Statement of Policy and Guidelines, the Hearing Panel noted the conviction related to a passenger being carried by GO. In addition, the conviction was recent and clearly less than three years in time. The Hearing Panel also noted there was a course of inappropriate conduct reported by two independent sources. The Hearing Panel disregarded the matter relating to another driver reported in the evidence.

The Hearing Panel reminded itself the local authority is charged with the duty of licensing private hire drivers, and part of that duty is to ensure that the public are protected by only granting licences to people who are fit to hold such licences and to ensure so far as possible that those licensed to drive vehicles are suitable persons to do so, namely that they are safe drivers, and not persons who would take advantage of their employment to abuse or assault passengers.

Given the Applicant's conduct and conviction, they did not deem the Applicant to be a fit and proper person and therefore GO's Application was refused.

Decision

To refusal to grant the renewal of a Private Hire Driver Licence.

LACHP/20/9. Renewal of Private Hire Driver Licence (AH) - PART B

Decision

To defer consideration of the application to 16 December 2019.