

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 27 January 2020

Present: Councillor Ludford – in the Chair

Councillors: Andrews and Lynch

LACHP/20/1. Renewal of Sex Entertainment Venue Licence - Long Legs Ltd, 46-46a George Street, Manchester M1 4HF

The Panel was satisfied after considering the application and hearing from the applicant that they could grant the renewal on the same terms. In making their decision they considered their Sex Establishment Policy Document. The Panel noted there were no objections to the application.

Decision

To grant the renewal on the same terms.

LACHP/20/2. Exclusion of the Public

A recommendation was made that the public be excluded during consideration of the following 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/20/3. Application for New Hackney Carriage Driver Licence - (EJEA)

The Panel considered the report submitted along with the representations made by The Licensing Unit and EJEA.

Contained within the report were details of an offence committed by EJEA. The Panel took their Statement of Policy and Guidelines into consideration with regard to this offence.

The Panel deemed the offence contained within the report to be very serious and noted that EJEA had served a custodial sentence as a consequence.

When making their decision the Panel noted that there had not been sufficient rehabilitation time since EJEA had served their custodial sentence and concluded that EJEA was not fit and proper to hold a private hire driver licence.

Decision

To refuse to grant EJEa a licence.

LACHP/20/4. Review of Private Hire Driver Licence - (IA)

The Licensing Officer advised the Panel that there was a request from IA's solicitor to adjourn the matter as IA's representative was unable to attend.

Decision

To adjourn the hearing until the next available Licensing and Appeals Sub-Committee Hearing Panel date.

LACHP/20/5. Review of Private Hire Driver Licence - (NS)

The Panel considered the report submitted along with the representations made by The Licensing Unit and NS. The Panel also took into consideration their Statement of Policy and Guidelines. In particular page 25 which states:

"Offence under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and section 167 Criminal Justice and Public Order Act 1994.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ('the Acts') and Hackney Byelaws is to ensure the protection of the public. For this reason, a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an application is to be treated as a fit and proper person to hold a licence."

The Hearing Panel heard the circumstances relating to NS's conviction of plying for hire.

Whilst NS's conviction falls within the policy, the Panel concluded it could depart from the policy on this occasion and determined that, as this was an isolated incident, the suspension of NS's licence for three months was appropriate.

Decision

To suspend NS's Licence for 3 months.

LACHP/20/6. Review of Private Hire Driver Licence - (DB)

The Panel considered the report submitted along with the representations made by The Licensing Unit and DB. The Panel also took into consideration their Statement of Policy and Guidelines.

Contained within the report were details of an offence committed by DB. The offence for which DB appeared before the Panel was deemed to be of a serious nature and

the Panel noted that DB had consequently been fined and served Community Service Hours.

Whilst DB's conviction falls within the policy, the Panel concluded it could depart from the policy on this occasion and determined that, as this was an isolated incident, the suspension of DB's licence for three months was appropriate.

Decision

To suspend DB's Licence for 3 months.

LACHP/20/7. Review of Private Hire Driver Licence - (AA)

The Hearing Panel considered the report submitted along with the representations made by The Licensing Unit, AA and their representative.

Contained within the report the Hearing Panel considered a statement which had been made by a member of the public following a journey in AA's taxi. The report detailed concerns in the manner AA was driving whilst transporting members of the public.

From the account given by AA on the events that had taken place the Hearing Panel noted contradictions within the witness statement and AA's statement. The Hearing Panel was very concerned with regard to the age of two of the passengers riding in the vehicle at the time of the incident.

When making their decision the Hearing Panel also took into account another previous conviction for driving without due care and attention. The Hearing Panel concluded that AA is not fit and proper to hold either a private hire driver licence nor a hackney carriage driver licence.

The Panel's primary concern is public safety and having heard all the evidence, concluded that AA posed a risk to the public due to the poor standard of driving.

Decisions

1. To revoke AA's Hackney Carriage Drivers Badge with immediate effect on public safety grounds.
2. To refuse to renew AA's Private Hire Drivers Badge.

LACHP/20/8. Review of Private Hire Driver Licence - (RZK)

The Panel considered the report submitted along with the representations made by The Licensing Unit and RZK. The Panel also took into consideration their Statement of Policy and Guidelines. In particular page 25 which states:

"Offence under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and section 167 Criminal Justice and Public Order Act 1994.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ('the Acts') and Hackney Byelaws is to ensure the protection of the public. For this reason, a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an application is to be treated as a fit and proper person to hold a licence."

The Hearing Panel heard the circumstances relating to RZK's conviction of plying for hire.

Whilst RZK's conviction falls within the policy, the Panel concluded it could depart from the policy on this occasion and determined that, as this was an isolated incident, the suspension of RZK's licence for three months was appropriate.

Decision

To suspend RZK's Licence for 3 months.

LACHP/20/9. Review of Private Hire Driver Licence - (MH)

The Licensing Officer advised the Hearing Panel that this matter was now to be withdrawn from the agenda as MH had surrendered their Licence and there was nothing for the Hearing Panel to determine.

Decision

To withdraw the item from the agenda.

LACHP/20/10. Review of Private Hire Driver Licence - (KS)

The Panel considered the report submitted along with the representations made by The Licensing Unit and KS. The Committee also took into consideration their Statement of Policy and Guidelines. In particular page 25 which states:

"Offence under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and section 167 Criminal Justice and Public Order Act 1994.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ('the Acts') and Hackney Byelaws is to ensure the protection of the public. For this reason, a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an application is to be treated as a fit and proper person to hold a licence."

The Hearing Panel heard the circumstances relating to KS's conviction of plying for hire.

Contained within the report the Panel noted details of previous driving matters on record and that KS had appeared before the Panel in 2017 and received a suspension as a consequence.

When making their decision the Panel concluded that KS is not a fit and proper person to hold a licence.

Decision

To revoke KS's Private Hire Drivers Licence.

LACHP/20/11. Review of Hackney Carriage Driver Licence & Private Hire Driver Licence - (AB)

The Panel considered the report submitted along with the representations made by the Licensing Unit, AB and AB's spouse. An interpreter also attended the hearing to assist AB.

The Panel heard from the Licensing Officer that AB's licences had both been suspended with immediate effect in light of a complaint made to them by a member of the public. This complainant had witnessed AB partaking in an illegal activity next to their licensed vehicle and was then seen getting inside, thereby associating themselves with the vehicle. The Panel heard that AB had been interviewed regarding the complaint and had admitted the offence during that interview.

During the hearing AB admitted that committing the offence was a mistake on their part yet the Panel felt that the account given by AB since being interviewed jointly by GMP and licensing officers when compared to the evidence given at the hearing had altered in detail.

The Panel were very concerned that a licensed driver had committed an offence of this nature.

When making their decision the Panel were not satisfied that AB is fit and proper to hold a hackney nor private hire licence. Therefore, the revocation of both licences are with immediate effect.

Decisions

1. To revoke AB's Hackney Carriage Drivers Badge with immediate effect.
2. To revoke AB's Private Hire Drivers Badge with immediate effect.