

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

### **Minutes of the meeting held on Monday, 27 April 2020**

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

**Councillors:** Hassan and Lynch

#### **LACHP/20/42. Exclusion of the Public**

##### **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/20/43. Review of Private Hire Driver Licence (JJ)**

JJ was unable to attend and the Hearing Panel gave consent to defer the hearing to another date.

##### **Decision**

To defer JJ's review until a future date.

#### **LACHP/20/44. Review of Private Hire Driver Licence (JEA)**

The Hearing Panel were informed by the Licensing Unit representative that JEA had already surrendered their licence and no longer wished to continue employment in the Taxi trade.

##### **Decision**

To withdraw the item from the Agenda.

#### **LACHP/20/45. Application for New Hackney Carriage Driver Licence (SR)**

The Hearing Panel considered an application for a New Hackney Carriage Driver Licence. The Hearing Panel considered the report submitted along with the representations made by The Licensing Unit and SR.

The Hearing Panel heard from the Licensing Unit representative that SR had a conviction dating back to 2010. The Hearing Panel were made aware that this conviction would be outside the guidelines within three weeks time.

The Hearing Panel took into account that the application is now close to the end of the guidelines for this type of offence. The Hearing Panel also noted that this was an

isolated offence and that SR had a licence with another Local Authority that allowed SR to operate within Manchester and, furthermore, that SR had a current and clean licence with the other Local Authority.

### **Decision**

To grant SR's licence with a warning.

### **LACHP/20/46.            Review of Hackney Carriage Driver Licence (FMR)**

FMR had a previous Review deferred due to awaiting information relevant to FMR's case. FMR did not attend the hearing and the Hearing Panel considered it to be in the interests of justice to allow the hearing to be deferred.

### **Decision**

To defer FMR's review for a future Hearing Panel to consider.

### **LACHP/20/47.            Review of a Hackney Carriage Driver Licence and Private Hire Driver Licence (AR)**

The Hearing Panel considered the report of the Licensing Unit, the representations made by AR and video footage concerning a traffic offence and resulting minor altercation.

AR expressed regret and assured the Hearing Panel that this had taught them a lesson on future conduct. The Hearing Panel were aware of other historical incidents and complaints against AR, none of which had resulted in a conviction but were nonetheless concerning to the Hearing Panel.

The Hearing Panel took into account that there were various offences to consider, with the most recent being of serious concern, but were aware that none of the previous offences had led to a conviction and, along with AR's assurances on future conduct, felt that a warning could be issued and that any future convictions or complaints could have more serious consequences for AR's licence.

### **Decision**

To issue AR with a warning.

### **LACHP/20/48.            Review of Hackney Carriage Licence (QS)**

The Hearing Panel considered the report and representations of the Licensing Unit and the representations made by QS.

The Hearing Panel were aware of several warnings from the Compliance Team as well as complaints levelled at QS as a Hackney Carriage Driver from a number of clients. QS stated that some of the accusations were inaccurate or not based on facts.

On deliberation the Hearing Panel felt that there were many incidents and that a clear pattern was apparent with regard to accusations of QS's aggressiveness linked to several attempts to overcharge customers. Many of the complainants had dropped their cases and so the Hearing Panel took the lack of any formal conviction based on the complaints into account and felt it appropriate to issue a warning to QS.

### **Decision**

To issue QS with a warning.

### **LACHP/20/49.            Application for Hackney Carriage Driver Licence (OMA)**

The Hearing Panel considered the report and representations of the Licensing Unit and the representations made by OMA.

The Hearing Panel were aware of OMA having several convictions dating from 2001 to 2013. Only one of the multiple convictions had been disclosed on the statutory declaration for this application and, subsequently OMA had a previous licence application turned down. The Hearing Panel considered these convictions but were aware that they had now fallen outside of the guidelines.

Whilst the Hearing Panel had serious concerns about OMA's previous conduct and convictions, the Hearing Panel felt that enough time had elapsed without any further incidents or convictions and that OMA was now a fit and proper person to possess a licence. The Hearing Panel felt it appropriate to issue a warning with the licence, however, as a reminder to OMA about further future conduct.

### **Decision**

To grant OMA's licence with a warning.