

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Tuesday, 26 May 2020

Present: Councillor Ludford (Chair) – in the Chair

Councillors: Jeavons and Lyons

LACHP/20/50. 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/20/51. Application for a New Private Hire Driver Licence (RV)

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

A Licensing Unit officer explained to the Hearing Panel that RV had failed to declare a criminal caution when applying for a licence and gave details of the incident that had led to RV receiving the caution.

The Hearing Panel accepted that the offence which led to caution was an isolated incident and was at the lower end of the scale for this type of offence. However, the Hearing Panel was concerned that the caution had not been declared and considered this to have been a deliberate act which had an intention to conceal the caution from the Council.

Decision

To grant the application for a new private driver licence with a warning as to future conduct.

LACHP/20/52. Review of a Private Hire Driver Licence (JJ)

The Hearing Panel were informed by the Licensing Unit officer that JJ was still in Tunisia and unable to return to the UK. JJ had been in contact with the Licensing Unit and had provided an overseas contact number, however this number could not be dialled in to the conference call. The Hearing Panel therefore considered it necessary to defer the hearing in the interest of natural justice.

Decision

To defer the Hearing.

LACHP/20/53. Review of a Hackney Carriage Driver Licence (FMR)

The Hearing Panel were informed by the Licensing Unit officer that the previous hearing had been adjourned in order to give FMR the opportunity to obtain a copy of the 999 call he made during the incident which led to the complaint being made against them.

The Licensing Unit officer informed the Hearing Panel that FMR had obtained a copy but it was not in a recognised format and there had been insufficient time for the Local Authority to hear the recording. It was considered that the recording could contain valuable evidence and it would be in the interest of justice for the hearing to be deferred so that the call could be heard by all the relevant parties.

Decision

To defer the Hearing.

LACHP/20/54. Review of a Private Hire Driver Licence (MO)

The Hearing Panel considered a Review of a Private Hire Driver Licence. The Hearing Panel considered the report submitted along with the representations made by The Licensing Unit and MO.

The Licensing Unit informed the Hearing Panel of the very serious allegation made against MO. The Hearing Panel was then informed by MO that they were not working as a private hire driver during the incident which led to the very serious allegation being made against MO.

After MO explaining the events on the evening in question the Hearing Panel felt that MO's detailing of these events did not corroborate with information provided by way of the Licensing Unit's report.

Although the Hearing Panel noted that MO had not been charged with any criminal offences in relation to this incident the Hearing Panel considered that MO's behaviour fell far below the standard expected from a licensed driver.

The Hearing Panel were suitably convinced that MO is no longer a fit and proper person to hold a Private Hire Driver Licence.

Decision

To revoke the licence with immediate effect under s 61(1)(b) and s 61 (2B) on the grounds of public safety.

LACHP/20/55. Application for a New Hackney Carriage Driver Licence (MU)

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 MU.

A Licensing Unit officer informed the Hearing Panel of a string of incidents regarding MU from various operators over a five year period. MU had been found to be operating outside of their licensed zone, plying for hire, had generated several customer complaints and, when asked if MU had ever had a licence revoked on application, had answered "no." The Licensing Unit explained that this was MU's fourth appearance before the Hearing Panel.

MU requested that the Hearing Panel allow for another chance to prove themselves.

On deliberation the Hearing Panel felt that there a great number of incidents and a clear pattern was apparent with regard to MU's general conduct.

Decision

To refuse to grant the licence.