

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 29 June 2020

Present: Councillor Grimshaw – in the Chair

Councillors: Hughes and Reid

LACHP/20/60. 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/20/61. Review of Private Driver Licence - AME

The Hearing Panel were informed by the Licensing Unit that the respondent's representative had requested a deferral pending the outcome of AME's ongoing court case as this was certain to have an impact on the Hearing Panel's decision. The Hearing Panel agreed to defer the hearing until the conclusion of criminal proceedings.

Decision

To defer the Hearing.

LACHP/20/62. Review of Hackney Carriage and Private Hire Driver Licences - CMS

The Hearing Panel considered the content of the report and the written and oral representations made by The Licensing Unit, CMS and their legal representative.

A Licensing Unit officer informed the Hearing Panel of an offence relating to an overcharging of taxi fare.

CMS informed the Hearing Panel that they had not deliberately set the tariff to overcharge and stated that they were unaware that the Bank Holiday had moved until the passenger had pointed it out. CMS accepted that their conduct with the passenger was regrettable and that a partial refund should have been offered.

The Hearing Panel considered the content of some of the other complaints made against CMS, particularly in relation to overcharging and concluded that some of these were as a consequence of CMS not being clear about fares when communicating with passengers.

In conclusion the Hearing Panel felt this incident was as a result of a misunderstanding but noted previous incidents of overcharging and therefore felt it necessary to issue CMS with a warning.

Decision

To issue a warning as to future conduct.

LACHP/20/63. Review of Private Hire Driver Licence - SIHS

The Hearing Panel considered the content of the report submitted along with the representations made by The Licensing Unit and SIHS.

A Licensing Unit officer informed the Hearing Panel of a recent conviction of a violent nature which SIHS had failed to declare to the Licensing Unit.

SIHS address the Hearing Panel to state that they had emailed the information relating to this conviction to the incorrect recipient and this is why it had not been received by the Licensing Unit. SIHS gave further explanation of their version of events whereby SIHS denied any violent conduct on their part and felt that they had been attacked in the incident.

The Hearing Panel felt that they were not given satisfactory responses upon questioning SIHS on the incident and noted that the offence falls within the policy guidelines.

Therefore, taking into account the nature of the conviction and the content of the Council's policy, the Hearing Panel were not satisfied that SIHS is a fit and proper person to hold a driver's licence and did not consider that there was any reason to depart from the policy.

Decision

To revoke the licence under s 61(1)(a) Local Government (Miscellaneous Provisions) Act 1976

LACHP/20/64. Application for Private Hire Driver Licence - ZSM

The Hearing Panel was informed by the Licensing Unit officer that ZSM had requested an interpreter to assist them at the hearing at short notice. There had not been sufficient time to arrange an interpreter and the Hearing Panel considered that it was in the interest of justice to defer the hearing so that ZSM can be assisted by an interpreter.

Decision

To defer the Hearing to allow for an interpreter to be appointed.

LACHP/20/65. Review of Hackney Carriage and Private Hire Driver Licences - GA

The Hearing Panel considered the content of the report and the written and oral representations made by The Licensing Unit, GA and their legal representative.

A Licensing Unit officer reported a chronology of events concerning a serious allegation against GA that had occurred in their vehicle which had led to the suspension of GA's licence.

Within the Licensing officer's representations, the Hearing Panel took note that GMP had serious concerns that GA had allowed another person to drive the vehicle on the night in question. However, the Hearing Panel took into account that the victim would have had a photograph of the driver through the online booking portal and that there was no evidence put before the Hearing Panel that a third party had undertaken this fare in his place. The Hearing Panel also noted that GA had confirmed driving the victim home that evening and gave a detailed account of the journey.

The conclusion of the serious allegation in the Licensing Unit's report confirms that GA was not convicted and that GA was cleared of conviction scientifically.

In conclusion, and taking scientific evidence into account, the Hearing Panel was satisfied that GA was not the person alleged to have committed the offence, has an otherwise clean record and could therefore find no grounds on which to sustain the suspension.

Decision

To lift the suspension and take no further action against the licence.