

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Tuesday, 23 February 2021

Present: Councillor Andrews – in the Chair

Councillors: Hewitson and Lynch

LACHP/20/5. 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/20/6. Review of a Private Hire Driver Licence - MK

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and MK.

A Licensing Unit officer informed the Hearing Panel that MK had appeared before the Hearing Panel recently and a three month suspension issued whilst court proceedings were ongoing concerning a serious assault. The Licensing Unit officer confirmed that the court had concluded that MK was not guilty and no further action was necessary.

Having confirmation that no further action was to be taken against MK the Hearing Panel considered that it was appropriate to lift the suspension on their licence.

Decision

To remove the suspension from MK's licence.

LACHP/20/7. Review of a Private Hire Driver Licence - AM

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer, AM and their interpreter, appointed by the council.

A Licensing Unit officer informed the Hearing Panel that AM had been given a Simple Caution by the Police for a Section 47 Assault.

AM addressed the Hearing Panel to give their version of events stating that they had become concerned about a young family member's use of social media and had threatened using a household object against them in a way which would inflict pain. AM maintained that they had not carried out the act they had been charged with.

During questioning it was confirmed that AM had an interpreter present when signing for the Simple Caution and that the victim had been a minor at the time of the incident.

In their deliberations, the Hearing Panel noted that there were no other convictions or complaints but felt that action had to be taken against AM due of the age of the family member at the time of the incident. The Hearing Panel felt that AM having signed for the Simple Caution with an interpreter present, was a good indicator that the alleged incident had taken place.

Decision

To suspend AM's licence for a duration of 3 months.

LACHP/20/8. Review of a Hackney Carriage Driver Licence - FW

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer, FW and their appointed solicitor.

A Licensing Unit officer informed the Hearing Panel that FW had been caught smoking in their Hackney Carriage vehicle and that this had been the third occurrence.

FW's agent addressed the Hearing Panel and stated that FW was very remorseful and explained that FW had been a non-smoker for the previous two years. Due to the lack of work from lockdown restrictions, the agent stated that FW had become stressed and returned to smoking.

FW addressed the Hearing Panel themselves and expressed regret over the incident.

In their deliberations the Hearing Panel felt that, as FW had already been fined for the offense and expressed their regret, FW had learned a lesson and the Hearing Panel attached a warning to FW's record.

Decision

To issue a warning to FW.

LACHP/20/9. Review of a Private Hire Driver Licence - LA

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

A Licensing Unit officer informed the Hearing Panel that LA was involved in a crash on the motorway and that the crash was due to 3 tyres on LA's licenced vehicle being substandard. The Licensing Officer confirmed that LA was off duty with no passengers in the vehicle at the time of the incident and stated that LA had been warned in July 2020 that the 2 rear tyres would need renewing shortly.

LA's agent explained that LA has had a difficult year due to the Coronavirus restrictions, which has hit the taxi trade with a huge decrease in work. LA had felt that they had to make a choice over feeding their family or replacing the defective tyres as LA could not afford to do both. The agent informed the Hearing Panel of LA's regret over the incident.

The Hearing Panel were deeply concerned about public safety with regard to the incident but were aware that LA had an otherwise clean record with no convictions or cautions. The Hearing Panel determined that LA should be issued with a three month suspension as a warning and that this suspension be backdated to 22 January 2021, when the Taxi Licensing Unit had issued their own suspension pending this hearing.

Decision

To suspend the licence for 2 months with immediate effect.

LACHP/20/10. Review of a Private Hire Driver Licence - SA

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and SA.

A Licensing Unit officer informed the Hearing Panel of SA's conviction of ply for hire and the associated no insurance, which falls within the guidelines for convictions. The Hearing 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 Licensing Officer confirmed that SA had pleaded guilty to the offence.

SA stated that it was their first offence and that there would be no repeated incidents.

The Hearing Panel took into account that SA had an otherwise clean record and felt that attaching a warning to their licence was suitable on this occasion.

Decision

To issue a warning to SA.

LACHP/20/11. Review of a Private Hire Driver Licence - KK

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer, KK and their interpreter, appointed by the council.

A Licensing Unit officer informed the Hearing Panel that KK had been caught on CCTV engaging in a lone, lewd offence.

KK addressed the Hearing Panel to give their version of events stating that they had stopped the taxi under a bridge to urinate.

In their deliberations, the Hearing Panel felt that a three month suspension was appropriate for KK to consider their inappropriate behaviour and improve future conduct.

Decision

To suspend the licence for a duration of 3 months.