

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 26 April 2021

Present: Councillor Ludford – in the Chair

Councillors: Grimshaw and Andrews

LACHP/20/23. 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/20/24. Application for a New Private Hire Licence - GCJ

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

The Licensing Unit Officer informed the Hearing Panel that CGJ had answered “no” to two questions on their application form; “have you ever had a licence revoked” and “do you have any criminal or traffic convictions.” The Licensing Unit had been informed by the DVLA that CGJ had received 4 points on their licence for a major traffic offence (speeding) and that CGJ had been suspended and had a licence revoked in 2014 by a neighbouring Local Authority.

CGJ addressed the Hearing Panel and stated that they had misunderstood the question regarding convictions, feeling that it was aimed at persons with a criminal conviction. CGJ spoke of the other matter, stating that they had a vehicle with a faulty engine and on replacing this at considerable cost found that the replacement engine was also faulty. Due to this CGJ scrapped the vehicle and therefore did not renew the licence.

In their deliberations the Hearing Panel felt that CGJ was a fit and proper person to hold a licence and felt satisfied that they could grant the licence with a warning as a reminder to complete applications with more care in future.

Decision

To grant the licence with a warning.

LACHP/20/25. Review of Hackney Carriage Drive Licence - M-B N

The Licensing Unit officer confirmed to the Hearing Panel that they were not able to contact MBN to have them join their virtual hearing.

Decision

To defer the hearing until the next available date.

LACHP/20/26. Review of Private Hire Licence - MS

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

The Licensing Unit Officer informed the Hearing Panel that MS had returned from abroad and broken COVID19 isolation regulations, once attending the Council's depot with their vehicle and another occasion to the office base of their Private Hire Operator. The Licensing Unit Officer confirmed to the Hearing Panel that MS's licence was suspended with immediate effect on their discovery of this information due to public safety concerns.

MS addressed the Hearing Panel and stated that they had asked a friend to attend for both matters mentioned by the Licensing Unit Officer but was told that they couldn't help at the last minute. MS stated that due to the necessity of them returning to work as quickly as possible, and with no one else to assist them, MS felt that they had to attend both venues to have the vehicle ready for the road as quickly as possible.

During questioned it was clarified that MS's daughter had explained the 10 day isolation rules and also stated by MS that they had three COVID19 tests, one in Pakistan and two on return to the UK. MS stated that all three tests returned negative and that they had submitted the results to the NHS.

In their deliberations the Hearing Panel felt that MS had acted irresponsibly but took note that this was an isolated matter and took the decision to issue MS with a 3 month suspension.

Decision

To suspend MS's licence for a duration of 3 months with immediate effect on public safety grounds.

LACHP/20/27. Review of Private Hire Driver Licence - GKS

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

The Licensing Unit officer informed the Hearing Panel that GK has two major traffic convictions which fall within policy guidelines and which were not declared to the city council.

GK addressed the Hearing Panel and stated that this was an honest mistake as it was the first time GK had been issued with speeding tickets and that the two incidents happened very close together. During questioning GK confirmed that they had attended court, paid fines and made a guilty plea.

In their deliberations the Hearing Panel felt that GK was being honest and took the decision to issue GK with a warning.

Decision

To issue a warning to GK.

LACHP/20/28. Review of Private Hire Driver Licence - SHL

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

The Licensing Unit officer informed the Hearing Panel that SL has a Police Caution for Theft which falls within the policy guidelines.

SL addressed the Hearing Panel and stated that they had gone through a family tragedy at the time of the incident and committed the act whilst inebriated. SL expressed their remorse and stated that they had never done anything of the sort before and had 41 years good service in the taxi trade.

In their deliberations the Hearing Panel felt that SL was being honest and took the decision to issue SL with a warning.

Decision

To issue a warning to SL.

LACHP/20/29. Renewal of Private Hire Driver Licence - MJ

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

The Licensing Unit Officer informed the Hearing Panel that MJ had failed to properly disclose two intermediate traffic offences which are within 12 months of his application.

MJ addressed the Hearing Panel to give their version of events stating that they had been caught speeding twice in quick succession during May 2020 and then had to go to Pakistan in September 2020. MJ confirmed that their son had completed the speeding offence forms, then joined MJ in Pakistan in December 2020 and gave MJ an update.

During questioning to establish why MJ had not declared the two matters on application they confirmed that their son had completed the application without consultation with MJ and that MJ had merely signed the document.

In their deliberations, the Hearing Panel felt that not a fit and proper person to hold a licence, feeling that MJ had not given a clear and honest account of the matter also noting that there were other complaints against MJ

Decision

To refuse to grant the renewal.