Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 24 May 2021

Present: Councillor Ludford (Chair) – in the Chair

Councillors: Grimshaw and Lynch

LACHP/20/31. 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/20/32. Review of a Hackney Carriage Driver Licence - MBN

The Licensing Unit officer confirmed to the Hearing Panel that they were not able to contact MBN to have them join their virtual hearing and that MBN had been due to appear in front of the Hearing Panel in March and April.

The Hearing Panel took the decision that MBN had been given enough opportunity to attend and listened to the Licensing Unit officers statement from the report concerning MBN's Ply For Hire conviction.

The Licensing Unit officer confirmed that MBN's Privat Hire Driver Licence had expired and that the Hackney Carriage Licence was valid until November 2021.

The Hearing Panel felt that MBN should have a good understanding of how Ply For Hire affects the Hackney Carriage trade as a holder of both licences and felt it necessary to revoke MBN's licence.

Decision

To revoke MBN's licence.

LACHP/20/33. Application for a new Private Hire Driver Licence - TM

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

The Licensing Unit Officer informed the Hearing Panel that TM has a disqualification from 2017 due to driving a friend's car without a licence. The Licensing Unit officer

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confirmed that TM had passed their driving licence test after the disqualification had elapsed in 2018 but TM failed to disclose this on their application form.

TM addressed the Hearing Panel and stated that they had only noticed a section on the application form asking about criminal convictions and missed the wording asking for details of traffic convictions. TM explained that they contacted the Licensing Unit to double check after completing the application on advice from a friend.

During questioned it was clarified that TM had driven a 3.5 ton Luton Van with a friend when they were caught driving without a licence.

In their deliberations the Hearing Panel felt that TM had kept a clean record since the conviction in 2018 but felt that a warning should be attached to the licence to remind TM of future conduct.

Decision

To grant TM's licence with a warning.

LACHP/20/34. Review of a Hackney Carriage Driver Licence - RA

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

The Licensing Unit officer informed the Hearing Panel that RA had failed to declare a simple caution on their 2019 licence renewal in regard to a violence matter and also did not submit a DBS certificate when requested to do so.

RA addressed the Hearing Panel and stated that the caution was due to an argument with their spouse. RA stated that they had forgotten about the incident on application and also stated that they had emailed a copy of the DBS form but was not aware that the Licensing Unit would only accept physical copies.

During questioning RA had stated that he had pushed their spouse and that things were amicable between them now.

In their deliberations the Hearing Panel felt that RA's offence was within the guidelines and that a suspension of three months was necessary for RA to understand the gravity of their lack of declaration and compliance in sending in a physical copy of the DBS certificate.

Decision

To suspend RA's licence for a period of three months.

LACHP/20/35. Review of a Hackney Carriage Driver Licence - SMM

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

The Licensing Unit Officer informed the Hearing Panel that SMM has been suspended with immediate effect after SMM was disqualified from driving due to a TT99 Totting Up offence, accruing 12 points or more within a three year period.

SMM addressed the Hearing Panel and stated that they had been caught speeding in a 30 zone. SMM's representative stated that SMM had been in the taxi trade 20-plus years, had not exceeded the 30 zone by much and pleaded for leniency from the Hearing Panel.

In their deliberations the Hearing Panel had no other option but to revoke the licence with immediate effect as SMM could not hold a Hackney Carriage Driver Licence without a driving licence and would need to re-apply to the Licensing Unit once their driving licence had been re-instated.

Decision

To revoke the licence with immediate effect.

LACHP/20/36. Application for a new Private Hire Driver Licence - SS - Withdrawn

This application was withdrawn prior to the hearing and therefore did not require the Hearing Panel's consideration.

LACHP/20/37. Review of a Hackney Carriage Driver Licence and a Private Hire Driver Licence - NI

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

The Licensing Unit Officer informed the Hearing Panel that NI had informed the Licensing Unit of a traffic conviction for using a vehicle uninsured against third party risks and another for driving a vehicle with defective tyres.

NI addressed the Hearing Panel to give their version of events stating that they had bought a vehicle in March 2021 and parked it at their home and asked their cousin to insure the vehicle on their policy. NI had noticed that the tyre was deflated and took it to a supermarket to pump the tyre and was checked by a Police Officer. NI stated that he thought he was insured to drive the vehicle.

During questioning, NI stated that they did not have a valid MOT and that the defective tyre was low on tread.

In their deliberations, the Hearing Panel felt NI had been open and honest in contacting the Licensing Unit about the convictions and felt that there could conceivable have been a misunderstanding around the issue of insurance. The Hearing Panel made the decision to issue NI with a warning to be mindful to make certain of matters in future.

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Decision

To issue NI with a warning.