
Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 21 June 2021

Present: Councillor Grimshaw – in the Chair

Councillors: Andrews and Jeavons

LACHP/20/43. 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/20/44. Application for a new Private Hire Driver Licence - SS

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

The Licensing Unit Officer informed the Hearing Panel that SS had alerted the Licensing Unit to a speeding conviction. The Licensing Unit Officer informed the Hearing Panel that the report stated that the applicant was not the driver at the time as they had lent the vehicle to a friend.

SS addressed the Hearing Panel to give their version of events stating that they had lent the vehicle to a friend who was licensed and that their friend had then let another person drive the vehicle. SS referred to the photo within the report which was taken by a speeding camera and stated that it was not them behind the wheel. SS stated that they had contacted their friend to take responsibility for the fine and points but they had ignored SS and, ultimately, as this was SS's vehicle, SS had responsibility.

In their deliberations, the Hearing Panel felt certain that SS was not the driver shown in the photograph and felt that they had been unfortunate in this instance. As this was an isolated incident, the Hearing Panel felt it appropriate to depart from the Guidelines and issue SS with a licence.

Decision

To grant SS's licence.

LACHP/20/45. Application for a new Private Hire Driver Licence - SG

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

The Licensing Unit Officer informed the Hearing Panel that SG had alerted the Licensing Unit to a speeding conviction. The Licensing Unit Officer informed the Hearing Panel that the report stated that the applicant had been travelling at 37 in a 30 zone and had their fine and points increased due to some confusion over the payment/submission of their driving licence.

SG addressed the Hearing Panel and stated that they had paid the fine and posted their driving licence on receiving notice of the offence and that later on it transpired that the DVLA had not received SG's licence and refunded the initial amount. The matter proceeded to court which increased the fine and the amount of points incurred on their licence.

In their deliberations the Hearing Panel felt that SG had been unfortunate in this instance, but that this could have been avoided by posting the licence as recorded delivery. As SG had an otherwise clean record, the Hearing Panel felt it appropriate to depart from the Guidelines and issue the licence with a warning.

Decision

To grant SG's licence with a warning.

LACHP/20/46. Review of a Private Hire Driver Licence - AA

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

The Licensing Unit Officer informed the Hearing Panel that AA had a conviction for Ply For Hire in January 2020 under Operation Aztec. In response to a question from the Hearing Panel, the Licensing Unit Officer confirmed that COVID had affected how quickly the hearings could be dealt with by the Court and that the hearing was held recently.

AA addressed the Hearing Panel and stated that they had been parked in central Manchester when they were approached by two men asking to be taken to Crumpsall. AA stated that they had said that they couldn't take them as they would get into trouble and then stated that one of the men pleaded with them to be taken. AA stated that they were about to finish their shift and would be heading in the direction of Crumpsall and agreed to take the men, saying that the fare would normally be around £10 but insisted that they did not want any payment.

AA informed the Hearing Panel during questioning that they had given a guilty plea at Court.

During their summary, the Licensing Unit Officer informed the Hearing Panel that the briefing session before Operation Aztec takes place informs participants to walk away if a driver says no.

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In their deliberations, the Hearing Panel felt that it was highly unlikely that the Operation Aztec Officers would have repeatedly asked to be taken. The Hearing Panel felt it appropriate to issue a 3 month suspension to AA, and not revoke their licence, as they had an otherwise clean record.

Decision

To suspend AA's licence for three months.

LACHP/20/47. Review of a Private Hire Driver Licence - CO

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

The Licensing Unit Officer informed the Hearing Panel that CO had a conviction for Ply For Hire in January 2020 under Operation Aztec. The Licensing Unit Officer confirmed that COVID had affected how quickly the hearings could be dealt with by the Court and that the hearing was held recently. The Licensing Unit Officer stated that CO now has 14 points on their licence, had given a guilty plea and Court and submitted a successful hardship plea, meaning they were not disqualified.

CO addressed the Hearing Panel and stated that they were approached by 2 men while working in central Manchester. CO stated they had offered to help the men get to Crumpsall and did not discuss a fare. CO then stated that a job came through from their operator so he told the men he would have to let them go and that they asked to be dropped off at a cash machine. CO then stated that a police motorbike pulled in when he parked to let the men out.

In their deliberations, the Hearing Panel felt that it was concerning to have a licenced driver with so many points on their licence, but that their decision should reflect the successful hardship plea allowed at Court and, therefore, not revoke CO's licence. The Hearing Panel felt that a suspension of CO's licence for 3 months was appropriate.

Decision

The suspend CO's licence for 3 months.

LACHP/20/48. Review of a Hackney Carriage Driver Licence - SC

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

The Licensing Unit officer informed the Hearing Panel that SC has two convictions for harassment and two restraining orders that fall within the Guidelines.

SC addressed the Hearing Panel and stated that they had made threats to their previous spouse due to SC's dislike of their new partner, feeling that this new partner is unsuitable to be spending time with SC's children due to involvement with drugs

and alcohol. SC stated that they had been appointed a solicitor at Court and that this solicitor had entered SC's guilty plea without SC's involvement or approval.

The Hearing Panel questioned SC about other historical matters contained in the report which were outside of the Guidelines. SC responded to say that they felt they had been the victim but had perhaps come across as aggressive at times.

In their deliberations the Hearing Panel felt that SC was not a fit and proper person to hold a licence in a job dealing with the public and were certain that the string of historical offences, plus this latest incident, were a clear indication that SC had a pattern of aggressive behaviour that SC had not addressed or improved upon.

Decision

To revoke SC's licence.

LACHP/20/49. Application for a new Private Hire Driver Licence - IA

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

The Licensing Unit officer informed the Hearing Panel that IA has two convictions for fraud for VAT matters from 2010 and that the conviction date had been January 2020. The Licensing Unit Officer confirmed that IA was still serving Community Service and this conviction falls within the Guidelines.

IA addressed the Hearing Panel and stated that they were a company director at the time and that they are currently licensed with another local authority as a private hire driver but would prefer to work in Manchester due to being based in the area.

During questioning from the Licensing Unit Officer, IA stated that they had not been making enough money from their previous business to pay VAT and that they had avoided a prison sentence as it was noted that IA had not avoided paying VAT for any personal gain.

During questioning from the Hearing Panel, IA confirmed that they had pleaded guilty to a previous convictions and that they were younger then and had changed their character.

During deliberations, the Hearing Panel noted that IA's conviction was serious and within policy guidelines and felt that it was not appropriate to issue IA with a licence.

Decision

To refuse to grant IA with a licence.

LACHP/20/50. Removal of Exclusion of the Public

The following applications were not covered by any confidentiality and the Hearing Panel were requested to remove the exclusion of the public for this reason.

Decision

To lift the exclusion and allow the public into the hearings for all following items of business.

**LACHP/20/51. Application for the variation of a sex establishment licence
- Obsessions, 2b Whitworth Street West, Manchester, M1
5WZ**

The Hearing Panel considered the content of the report for a variation of a sex establishment licence.

The Hearing Panel noted that the application requested the extension of hours on Fridays and Saturdays to 05:00 and that there were no objections.

Mindful that there were no objections to the variation, the Hearing Panel agreed to grant the application.

Decision

To grant the variation as applied for.

**LACHP/20/52. Application for the variation of a sex establishment licence
- Victoria's, Part Basement, 8 Dantzic Street, Manchester,
M4 2AD**

The Hearing Panel considered the content of the report for a variation of a sex establishment licence.

The Hearing Panel noted that the application requested the extension of hours on Fridays and Saturdays to 05:00 and that there were no objections.

Mindful that there were no objections to the variation, the Hearing Panel agreed to grant the application.

Decision

To grant the variation as applied for.