

## **Licensing and Appeals Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 23 August 2021**

**Present:** Councillor Grimshaw – in the Chair

**Councillors:** Evans and Hughes

#### **LACHP/20/96. 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/20/97. Review of a Private Hire Driver Licence - HH**

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and HH who had an interpreter appointed to them by Manchester City Council.

The Licensing Unit Officer informed the Hearing Panel that HH had a conviction for Ply For Hire from December 2019 under Operation Aztec and that HH had pleaded guilty to the charges at court in May 2021.

HH addressed the Hearing Panel and stated that this had been their first mistake in a career spanning 14 years. HH accepted that they had been at fault, apologised and that they hoped that this mistake did not impact on their livelihood.

In their deliberations, the Hearing Panel felt that HH had showed genuine regret for their actions and felt it appropriate to suspend the licence for a period of 2 months with a warning letter attached to HH's licence.

#### **Decision**

The suspend HH's licence for a period of 2 months and attach a warning to the licence.

#### **LACHP/20/98. Review of a Private Hire Driver Licence - MAA**

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and MAA who had an interpreter appointed to them by Manchester City Council.

The Licensing Unit Officer informed the Hearing Panel that MAA was at the previous Hearing Panel as they were under investigation for a very serious allegation. MAA's licence had been suspended with immediate effect by the Licensing Unit as soon as they had been made aware of the allegation and the Licensing Unit Officer stated that their team had made efforts to progress the case but had not received any further information to present to the Hearing Panel. The Licensing Unit Officer concluded by stating that there was a previous allegation of a similar nature from 2018 and that charges were dropped and the suspension of MAA's licence was lifted in relation to this allegation.

MAA addressed the Hearing Panel and stated that the previous allegation from 2018 was due to a domestic matter, that the police were involved and that no further action had been taken against MAA and the charges had been dropped. MAA stated that they did not know how the recent allegation had come about and stated that they had no customer complaints or issues.

In their deliberations, the Hearing Panel felt that there was no other option than to suspend the licence with immediate effect pending the outcome of police investigations.

### **Decision**

To suspend MAA's licence with immediate effect pending the outcome of police investigations.

### **LACHP/20/99.            Review of a Private Hire Driver License - OBPI**

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

The Licensing Unit Officer informed the Hearing Panel that OBPI had a conviction for Ply For Hire from November 2019 under Operation Aztec and that OBPI had pleaded guilty to the charges at court in May 2021.

OBPI addressed the Hearing Panel and stated that they fully understand the penalty for their actions and expressed their remorse, stating that the family are now struggling without OBPI's income.

In their deliberations the Hearing Panel felt that OBPI had shown genuine regret, paid the penalty for the incident and felt it appropriate to suspend the licence for a period of 2 months and attach a warning letter to OBPI's licence.

### **Decision**

To suspend OBPI's licence for a period of 2 months and attach a warning to the licence.

### **LACHP/20/100.           Review of a Private Hire Driver License - 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 a conviction for Ply For Hire from November 2019 under Operation Aztec and that MJ had appealed against the charges at Crown Court. The Licensing Unit Officer stated that Crown Court had upheld the charges brought against MJ at the Magistrates Court.

MJ addressed the Hearing Panel and stated that were not at fault as they had only given information on the fare and then the undercover officers had entered the taxi due to the central locking mechanism being at fault. MJ stated that they had not moved the vehicle and told officers that the journey would have to be pre-booked.

During questioning, MJ stated that this was the same account they had given at both court hearings and that they had indicated a price for the journey but had not started the engine at any point, stating that the officers account was not accurate.

In their deliberations the Hearing Panel felt that MJ showed no remorse for their actions and had implied that officers had fabricated their version of events. The Hearing Panel did not depart from the guidelines and felt it appropriate to revoke MJ's licence.

### **Decision**

To revoke MJ's licence.

### **LACHP/20/101.      Application for a New Hackney Carriage Driver Licence - AW**

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

The Licensing Unit officer informed the Hearing Panel that AW had been before the Sub-Committee on 4 previous occasions, had 8 complaints on record and had their Hackney Carriage Licence revoked in June 2019.

AW's representative addressed the Hearing Panel and stated that AW had no criminal convictions since 2001, that AW had no passengers in the vehicle during the previous speeding incidents and that AW had not been to court for these incidents, instead AW had incurred penalty points. The representative stated that AW was fit and proper, experienced in the trade and that the company they represented would work with AW and assist him in every way necessary. The representative stated that they were convinced of AW's remorse at previous conduct and intentions to keep a clean record.

AW addressed the Hearing Panel to state their remorse and that they would not appear before the Hearing Panel again if they were to grant this licence.

During questioning from the Licensing Unit Officer, AW stated that they have had 2 years to dwell on their previous mistakes and that they now wished to get back to work and support their family.

In their deliberations, the Hearing Panel considered that AW had paid the penalty of revocation in 2019 and that this application should be considered anew, albeit noting AW's history. The Hearing Panel felt it appropriate to grant the application with a warning, adding a condition that AW must submit a full application and retrain fully for their licence.

### **Decision**

To grant AW's licence with a warning and with the condition that AW must undergo the full application process.

### **LACHP/20/102.      Application for a New 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, who had an interpreter appointed to them by Manchester City Council.

The Licensing Unit Officer informed the Hearing Panel that NI had two convictions for Ply For Hire from October 2019 and January 2020 under Operation Aztec. A hardship appeal had been heard and rejected by the Court and the Licensing Unit Officer confirmed that NI's DVLA licence had been restored in March 2021. It was also noted by the Licensing Unit Officer that NI's vehicle had Wolverhampton plates on both occasions.

NI addressed the Hearing Panel and stated that they had two children and their partner did not drive, leaving NI to cover the school journeys. NI expressed their regret for both incidents of Ply For Hire and that it had had a huge negative impact on their family.

During questions NI was notified that personal circumstances cannot directly affect the Hearing Panel's decision making process and that NI rented a private hire vehicle from a company that had no Manchester plates at that time and, as NI had a licence with Wolverhampton and the company had vehicles with these plates, this is how NI came to be found driving in Manchester with a Wolverhampton licence plate. It was noted that NI did not renew the Wolverhampton licence.

In their deliberations, the Hearing Panel considered that NI had been caught twice within a three month period, that the offences were within the guidelines and that the first offence should have been enough to deter NI from committing any further Ply For Hire offences and refused to grant the licence.

### **Decision**

To refuse to grant NI's licence.

### **LACHP/20/103.      Application for a New Hackney Carriage Driver Licence - MU**

The Licensing Unit officer informed the Hearing Panel that MU had requested an interpreter at the time of the hearing, therefore the Hearing Panel deferred the hearing until the next available date for a city council interpreter to assist MU at their hearing.

**Decision**

To defer the hearing until the next available date.