

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 27 September 2021

Present: Councillor Ludford (Chair) – in the Chair

Councillors: Grimshaw and Evans

LACHP/20/104. Exclusion of the Public

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/20/105. Application for New Hackney Carriage Driver Licence - MU

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

The Applicant apologised for the past complaints but stated that they were not all true. He asked the Committee to give him another chance. He did not give a clear or credible explanation for his failure to declare his previous convictions or the previous revocations of his licences but indicated this was an oversight. The

Committee was concerned about his honesty as it considered that he had been dishonest towards the Licensing Authority by his failure to declare his previous convictions and revocations.

The Committee did not accept that this had been an oversight, the relevant questions were clear and unambiguous, and the Committee considered that the responses had been a deliberate attempt to mislead the Council.

The Committee was also concerned about the lack of responsibility taken for past poor behaviour shown towards customers and therefore the Committee had no confidence that this had been recognised and addressed and that it would not be repeated if a licence was granted. Therefore, taking all the factors into account the Committee did not consider the Applicant to be a fit and proper person.

Decision

To refuse the application.

LACHP/20/106. Review of Hackney Carriage Driver Licence and Private Hire Driver Licence - NHK

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

The Committee noted that in addition to the recent incident at Manchester airport feeder park the driver had a history of complaints from passengers about his behaviour. This demonstrated a pattern of aggressive and abusive behaviour towards passengers which is of concern to the Committee.

The Committee considered that the driver was very evasive about the past complaints and denied having any anger issues or displaying rude behaviour towards passengers. In relation to the complaint about the incident which occurred at the feeder park on 29 May 2021 the Committee considered the findings of the investigation carried out by Licensing compliance officers and the representations of the driver and did not accept the driver's version of events.

NHK stated he had been seated in his vehicle and had been approached by one of the other drivers involved in the altercation and he punched him through the open taxi window. The other two drivers and two witnesses including a taxi marshal employed by the airport stated that it was NHK who left his vehicle, approached the other drivers, and instigated the altercation.

NHK stated the version of events given by the other two drivers and the witnesses was part of a conspiracy against him and also stated the airports failure to provide CCTV footage was part of this conspiracy. NHK stated that he believed that the Airport Taxi Association (ATA) was involved in this conspiracy. The Principal Licensing Officer confirmed that Manchester Airport Group (MAG) had checked the CCTV and confirmed to the licensing unit that footage of the incident was not caught on the CCTV and that this was not within the control of the ATA. He also confirmed that no complaint against NHK had been made by the ATA and that the incident had been referred to the Council by MAG. The Committee therefore did not accept the explanation that the other drivers, airport employees and the ATA had all conspired against NHK and the Committee was satisfied on the evidence that NHK had left his vehicle and had acted aggressively and violently towards the other two drivers who had been involved in the altercation. Therefore taking into account his aggressive and violent behaviour at the airport towards other drivers and his history of rude and aggressive behaviour towards passengers the Committee was not satisfied he is a fit and proper person to hold a licence.

Decision

To revoke the licence.

LACHP/20/107. Application for Private Hire Driver Licence - MM

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

The Committee noted that the convictions for ply for hire and no insurance were from November 2019 and therefore close to being outside the guidelines. The Committee further noted that these were isolated incidents and that the applicant had entered

guilty pleas at Court. The applicant expressed remorse for both the incidents and for his initial attempt to deny the allegations and to mislead officers. The Committee therefore considered that the Applicant was a fit and proper person.

Decision

To grant the licence with a warning as to future conduct.

LACHP/20/108. Application for Private Hire Driver Licence - DK

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

The Committee considered the content of the report and the representations of the applicant. The Committee considered this was a very serious offence involving children and the Committee noted that the policy is to refuse an application following such a conviction. The Committee was concerned that the Applicant had not reported the matter concerned or as a minimum had not deleted it. The Committee therefore did not consider the applicant to be a fit and proper person and did not consider that there were any reasons to cause it to depart from the policy.

Decision

To refuse the application.

LACHP/20/109. Review of Private Hire Driver Licence - EI

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

The Committee considered the content of the report and the representations of the driver. The Committee noted that ply for hire and no insurance are very serious offences for a licensed driver but the Committee took into account that he was genuinely remorseful, this was an isolated incident in a 9 year career as a licensed driver and that guilty pleas had been entered at Court. The Committee therefore considered it appropriate to depart from the policy and suspend the licence for three months.

Decision

To suspend the licence for three months.

LACHP/20/110. Review of Hackney Driver Licence - MR

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

The Committee was informed that an application had been made to adjourn the matter to allow MR to attend the hearing represented by his solicitor who was unavailable. The Committee however noted the seriousness of the offence, the

imposition of the lengthy disqualification from driving and the fact that the licence was due for expiry in November 2021. The Committee noted that under section 59 of the Local Government (Miscellaneous provisions) Act 1976, a District Council has no power to grant a hackney carriage drivers licence unless at the date of the application the applicant holds a DVLA drivers licence.

The applicant is currently disqualified from driving and unable to use his hackney carriage drivers licence prior to expiry and would be disqualified from making an application for a new licence on expiry of his current licence and therefore there would be no real benefit to him in adjourning the hearing for consideration of this matter. The Committee noted that the incident which led to the driving disqualification was very serious and could have had very serious consequences had there been pedestrians present in that area. The Committee therefore did not consider there were any reasons to depart from the policy and did not consider him to be a fit and proper person in terms of his driving record to hold a licence.

Decisions

1. To refuse the application for adjournment and to proceed in the licence holders absence.
2. To revoke the licence.

LACHP/20/111. Renewal of Private Hire Driver Licence and Hackney Carriage Driver Licence - WAA

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

The Committee considered the content of the report and the representations of the driver. The Committee noted that the ply for hire and no insurance conviction had been considered by the previous Committee and a decision had been made to impose a three month suspension however the private hire drivers licence had expired and a renewal application had been made. The Committee took into account the remorse expressed by the driver and the decision of the previous Committee and considered it appropriate to grant the licence with a warning as to future conduct and also to remove the suspension imposed on the Hackney carriage licence and to authorise officers to grant a renewal application for the HC drivers licence if this is made.

Decision

To grant the private hire drivers licence with a warning. 2. To lift the suspension on the Hackney Carriage Drivers licence and authorise officers to grant it with a warning upon application for renewal.