

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

### **Minutes of the meeting held on Monday, 29 November 2021**

**Present:** Councillor Ludford (Chair) – in the Chair

**Councillors:** Grimshaw and Andrews

#### **LACHP/20/123. Exclusion of the Public**

##### **Decisions**

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/20/124. Review of a Private Hire Driver Licence - UJ**

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

The Licensing Unit Officer informed the Hearing Panel that UJ had a conviction for Ply For Hire from March 2020 under Operation Aztec. UJ was due to appear before the Hearing Panel in October 2021 but was not well so the hearing was deferred. The Licensing Officer stated that UJ had agreed a fare with officers and was then intercepted and taken to a check site and interviewed. UJ had made a guilty plea at the court hearing.

UJ addressed the Hearing Panel and stated that they did not deny the charge and accepted that they had made a mistake.

In their deliberations, the Hearing Panel considered that UJ had shown regret and felt it appropriate to suspend UJ's licence for a period of 3 months.

##### **Decision**

To suspend UJ's licence for a period of 3 months.

#### **LACHP/20/125. Review of a Private Hire Driver Licence - QN**

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and QN, who was assisted by an interpreter appointed by Manchester City Council.

The Licensing Unit Officer informed the Hearing Panel that the DBS service had informed the unit of a change in QN's record. QN had used their spouse's Blue Badge as a passenger to allow a friend to park for free in Manchester City Centre.

QN addressed the Hearing Panel and stated that they were aware that it was not their badge to use and agreed that they were wrong to do so. QN then stated that they did not understand why they had been brought in front of the Hearing Panel as they had been to court and paid a fine already.

The Licensing Officer informed QN that the hearing was to assess if they were a fit and proper person to hold a licence.

In their deliberations the Hearing Panel felt that a 3 month suspension was necessary as a warning to QN on their future conduct.

### **Decision**

To suspend QN's licence for a period of 3 months.

### **LACHP/20/126. Application for a New Private Hire Driver Licence - MR**

The Licensing Unit Officer informed the Hearing Panel that MR had requested a deferral to have an interpreter assist them at the hearing.

The Hearing Panel agreed to defer MR's hearing.

### **Decision**

To defer MR's hearing until a future date.

### **LACHP/20/127. Review of a Private Hire Driver Licence - MIM**

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

The Licensing Unit Officer informed the Hearing Panel that MIM had contacted the unit to notify them of a conviction for the offence of using a vehicle uninsured against third party risks in April 2021.

MIM addressed the Hearing Panel and stated that they had driven a friend's car which MIM thought was insured. MIM stated that they had a fully comprehensive insurance that would have covered the journey if the car had also been insured.

In their deliberations, the Hearing Panel felt that MIM was unfortunate in this incident but, as a private hire driver, should have made the necessary checks prior to agreeing to drive any other vehicle and issued a 3 month suspension of MIM's licence as a reminder towards future conduct.

### **Decision**

To suspend MIM's licence for a period of 3 months.

### **LACHP/20/128. Review of a Private Hire Driver Licence - MY**

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

The Licensing Unit Officer informed the Hearing Panel that MY had a conviction for Ply For Hire from January 2020 under Operation Aztec. MY was due to appear at court in October 2021 but did not attend and was found guilty in absence.

MY addressed the Hearing Panel and stated that they had been a private hire driver since 1990, was aware that their licence could be revoked for this offence and stated that they knew and broke the rules, offering an apology stating that this would not happen again. MY added that they did not intend to charge the passengers/officers as they were travelling to a street adjacent to MY's home address.

During questioning from the Licensing Unit Officer and the Hearing Panel, it was noted that MY had previously been a taxi operator, that the officer's report included the discussion of a fare (£12/13) and that MY had asked the officers (whom MY thought to be regular passengers) to make an excuse to help MY get out of the Ply For Hire incident.

In their deliberations the Hearing Panel felt that MY had been dishonest throughout the incident, noted a string of other offences dating back to 1992 (all outside the guidelines) and were concerned that MY had not improved their behaviour. The Hearing Panel therefore considered that MY was not fit and proper to hold a licence.

### **Decision**

To revoke MY's licence.

### **LACHP/20/129. Review of a Private Hire Driver Licence - SR**

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

The Licensing Unit officer informed the Hearing Panel that SR had refused a fare for a disabled passenger with a guide dog, dated February 2020 in Bolton. The Licensing Unit Officer confirmed that SR had failed to attend a trial hearing at Bolton Magistrate's Court where SR was convicted in absence for an offence under Section 170 3(B) Equality Act 2010.

SR addressed the Hearing Panel and stated that they were not informed in the booking details that the customer had a guide dog and wouldn't have refused if they had have known. SR also stated that there were complications with the court date due to the pandemic and they had not been properly informed and therefore missed the hearing.

During questioning from the Licensing Unit Officer and the Hearing Panel, SR stated that someone had come to the taxi to state that SR's customer had a dog with them and did not mention a guide dog, therefore SR cancelled the job. SR was also informed at this point that the report gave information regarding the customer

messaging SR that he would have a guide dog and that the message was delivered and read, via the taxi firm app. It was also noted that the person assisting the customer had to drive them to their destination after SR had left the scene.

In their deliberations, the Hearing Panel considered that SR had not complied with the Equality Act and this was taken very seriously. The Hearing Panel felt it necessary to impose a suspension of 4 months on SR's licence to send a clear message that this behaviour would not be tolerated.

### **Decision**

To suspend SR's licence for a period of 4 months.

### **LACHP/20/130. Review of a Hackney Carriage Driver Licence - HZ**

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

The Licensing Unit officer informed the Hearing Panel that HZ had been convicted of driving another person's vehicle which was not insured. The vehicle owner had disputed this, but police had confirmed that the vehicle was not insured.

HZ addressed the Hearing Panel and stated that they were not aware that the vehicle was not insured and was told that it was by the vehicle owner. HZ confirmed that they had been stopped by the police and that they could not change events.

In their deliberations, the Hearing Panel felt that HZ was unfortunate in this incident but, as a Hackney Carriage driver, should have made the necessary checks prior to agreeing to drive any other vehicle and issued a 3 month suspension of HZ's licence as a reminder towards future conduct.

### **Decision**

To suspend HZ's licence for a period of 3 months.

### **LACHP/20/131. Review of a Hackney Carriage 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 been caught smoking in their licensed vehicle on 4 occasions, adding that AA had accepted and paid all fixed penalty notices.

AA addressed the Hearing Panel and stated that they were not aware that smoking in the licensed vehicle was not allowed if they were off duty with no passengers on board and that they were in an emotional state at the time of the latest incident due to the anniversary of a family member's passing. AA expressed to the Hearing Panel that they had now moved onto using an e-cigarette and that this would not happen again.

In their deliberations, the Hearing Panel felt that AA had paid their FPNs and had assured the Hearing Panel that they had stopped smoking. The Hearing Panel accepted AA's explanation and attached a warning to their licence as a reminder for future conduct.

### **Decision**

To attach a warning letter to AA's licence.

### **LACHP/20/132. Review of a Hackney Carriage Driver Licence - MBL**

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

The Licensing Unit officer informed the Hearing Panel that the Licensing Unit had received a complaint from a Manchester school regarding MBL fulfilling a contract to the school and then urinating in bushes on the site. The Licensing Unit Officer confirmed that the case had been presented to the Local Authority Designated Officer (LADO) who had responded stating they did not have any concerns and sought no action against MBL.

MBL addressed the Hearing Panel and stated that they had a blood test booked on the same day of the incident and they had been told to drink lots of fluids. MBL stated that they would have soiled themselves and did not consider asking the school for access to their toilets due the pandemic, hence feeling the need to find an outdoor location.

In their deliberations, the Hearing Panel saw MBL's statement as honest and genuine, noted the lack of concern from the LADO and sought no further action.

### **Decision**

To seek no further action against MBL's licence.

### **LACHP/20/133. Review of a Private Hire Driver Licence - CS**

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and CS who was accompanied by a family member at the hearing.

The Licensing Unit officer informed the Hearing Panel that CS had their licence suspended with immediate effect following notification from GMP of CS's arrest for a very serious crime. The Licensing Unit officer confirmed that CS has been released on bail and that enquiries are ongoing.

CS addressed the Hearing Panel and stated that this was a historical case from previous employment. CS informed the Hearing Panel that they were aware of the nature of the case but stated that they were not involved.

In their deliberations, the Hearing Panel noted the very serious nature of the crime and felt that the suspension should remain in place pending the outcome of investigations/court proceedings.

### **Decision**

To suspend the licence with immediate effect pending the outcome of the police investigation or any proceedings which may follow the police investigation.