

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 24 January 2022

Present: Councillor Ludford (Chair) – in the Chair

Councillors: Hughes and Hewitson

LACHP/20/3. 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/20/4. Renewal of a Private Hire Driver Licence - AM

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

The Licensing Unit Officer informed the Hearing Panel that AM submitted a renewal application in November 2021, which flagged a CD10 conviction, driving without due care and attention, from October 2020, which falls within the guidelines. This had not been reported to Licensing. It was also stated that AM had two complaints on file; one for a failure to pay for fuel and another regarding conduct.

AM addressed the Hearing Panel and provided a written statement. The statement said that AM had overtaken a lorry when feeling it was safe to do so. The police pulled him over for this, issuing him with a warning notice. AM did not receive a letter offering an awareness course, as expected. AM pleaded not guilty to the offence via letter but did not receive a follow-up letter with a trial date. AM later found out that this had meant 7 points being put on their licence in May 2021, with a fine that currently stands at £800.

Following questioning from the Licensing Unit Officer, AM stated that a trial date had never been received. AM also confirmed that they had failed to pay for fuel. On the day, AM did not have their wallet so offered to pay by bank transfer. This had not yet happened, but AM said they would go to pay after the hearing.

In their deliberations, the Hearing Panel noted that the conviction for driving without due care and attention falls within the guidelines. The Hearing Panel acknowledged that AM had pleaded not guilty, but they could not go behind the conviction. The Panel also had concerns over the missed fuel payment, wanting Licence holders to have good records and be honest.

Decision

To refuse to renew the licence.

LACHP/20/5. Renewal of a Private Hire Driver Licence - MZ

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

The Licensing Unit Officer informed the Hearing Panel that they had received a complaint from another taxi company regarding MZ. This company received the complaint from a member of the public, who thought the driver was employed by them. After realising MZ was not one of their drivers, they referred the complaint to the Licensing Unit. MZ was accused of defecating between two parked cars. The report stated that MZ informed the Licensing Unit they were urinating and provided medical evidence to show they were struggling at the time. Video evidence had been provided by the complainant.

MZ's representative provided documents to the Hearing Panel as character references and medical document. The representative informed the Hearing Panel that MZ had no prior criminal convictions, nor had they ever received a complaint since being a Licence holder. At the time of the incident, MZ was working and attempted to use a toilet at a petrol station. Due to the pandemic, the petrol station staff refused this request. MZ proceeded to find a discreet place, parking their car as close to another as possible. This allowed MZ to conceal himself as much they could, before crouching down to urinate. The representative also stated that the medication MZ is taking relaxes their muscles, making it more difficult to hold their bladder.

In response to questioning, MZ stated that they drive both night and day, struggling to locate a toilet more at night. They attempt to find a toilet before taking a job, or if near home then use their own. MZ stated that they have been on this medication for over a year.

In their deliberations, the Hearing Panel noted MZ's exemplary record prior to this incident. They acknowledged the difficulty of finding a toilet in general, a problem only exacerbated by the COVID-19 pandemic. They accepted that medical reasons were the reason for this incident.

Decision

To renew MZ's licence, with a warning letter attached regarding further conduct.

LACHP/20/6. Application for a New Private Hire Driver Licence - MA

The Hearing Panel were informed that MA had failed to attend their Hearing.

Decision

To defer consideration of the application to a later date.

LACHP/20/7. Review of a Private Hire Driver Licence - MI

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer. MI failed to attend the Hearing, originally being present but having to leave before the Hearing Panel considered this item.

The Licensing Unit Officer informed the Hearing Panel that MI had two very serious allegations made against them in their other job role. MI is currently suspended from that role, with their Licence also suspended.

In their deliberations, the Hearing Panel noted that no charges had been brought before MI. However, they felt that due to the seriousness of the alleged offences, it was in the interests of public safety, particularly possibly vulnerable passengers, to uphold MI's suspension.

Decision

To suspend MI's licence with immediate effect, pending the outcome of the criminal investigation and any proceedings.

LACHP/20/8. Application for a New Private Hire Driver Licence - AA

The applicant withdrew their application before appearing before the Hearing Panel, therefore no decision was necessary.

LACHP/20/9. Review of a Private Hire Driver Licence - SAT

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer. SAT failed to appear before the Hearing Panel.

The Licensing Unit officer addressed the Hearing Panel, informing them of difficulties attempting to contact SAT recently. The officer stated that a very serious allegation has been made against SAT. SAT had previously been suspended in 2021 pending criminal investigation, but the outcome of an investigation allowed them to work again. However, further evidence received by the police has now linked SAT to a crime from 2003. The Licensing Unit officer noted that as part of this investigation, SAT's phone has been taken for evidence which may explain the Licensing Unit's difficulty in contacting SAT.

In their deliberations, the Hearing Panel noted that no charges had yet been brought against SAT. However, the seriousness of these allegations made the Panel feel that it was in the interests of public safety, particularly vulnerable passengers, to uphold the suspension.

Decision

To suspend SAT's licence with immediate effect, pending the outcome of the criminal investigation and any proceedings.

LACHP/20/10. Application for a New Private Hire Driver Licence - ZRI

The Hearing Panel were informed that ZRI had failed to attend their Hearing.

Decision

To defer consideration of the application to a later date.

LACHP/20/11. Renewal of a Private Hire Driver Licence - AR

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

The Licensing Unit officer addressed the Hearing Panel, informing them that AR had a conviction for MS90, a failure to give information as to the identity of a driver, which is a major traffic offence. AR had originally indicated that they had no traffic offences to declare.

AR addressed the Hearing Panel saying their car was stolen and was then caught speeding, for which they received a ticket. After receiving this, they notified the police and their insurance company has paid out for the stolen car. AR did not realise they had points until completing their DVLA Summary, otherwise they said they would have informed the Licensing Unit. No documents were provided by AR to support his comments.

The Hearing Panel, in their deliberations, noted the comments from AR about the car being stolen. However, they could not go behind the court decision and the conviction falls within the guidelines. They also noted that AR has prior convictions, and this was not an isolated incident. AR has received warnings for similar incidents before and has had 3 complaints made against them.

Decision

To refuse the renewal.

LACHP/20/12. Renewal of a Private Hire Driver Licence - PSJ

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

The Licensing Unit officer addressed the Hearing Panel, informing them that on PSJ's application form a traffic offence was declared but did not supply information on the offence. PSJ's DVLA Summary showed this offence to be driving whilst uninsured against 3rd party risks. PSJ informed the Licensing Unit that they had been driving a friend's van which they thought their friend had insured them on.

PSJ addressed the Hearing Panel stating that their Licence was their primary source of income. They had trusted their friend to put them on the insurance and now realises this was a mistake. PSJ was helping someone to collect something when pulled over by the police, who had been performing routine checks in that area due to a recent road traffic collision. PSJ was surprised to find out that they were not insured but received a fixed penalty notice for this. PSJ informed the Hearing Panel that they had never broken any Licence conditions before.

In their deliberations, the Hearing Panel accepted the explanation PSJ gave for driving whilst uninsured against 3rd party risks. The Hearing Panel were therefore satisfied enough to depart from the guidelines, given that PSJ was misled by a friend. The Hearing Panel also noted that this was an isolated incident, with PSJ having no previous convictions or complaints in their 9 years as a licence holder.

Decision

To renew PSJ's Licence with a warning about future conduct.