

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

### **Minutes of the meeting held on Monday, 21 February 2022**

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

**Councillors:** Andrews, Evans

#### **LACHP/20/21. 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/20/22. Review of a Private Hire Driver Licence - CFEO**

The Licensing Unit Officer informed the Hearing Panel that CFEO had confirmed that they would not attend and had requested that the Hearing Panel proceed in their absence.

The Hearing Panel checked with their appointed Legal representative who stated that they were satisfied for them to proceed in CFEO's absence.

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

The Licensing Unit Officer stated that CFEO had been convicted of a Ply For Hire offence which was within the guidelines. The Licensing Unit Officer then confirmed that the court hearing had treated CFEO as a driver with a clean licence but, after investigations, it was confirmed that CFEO had another driving offence on record concerning driving without insurance. This led to the matter being re-opened at court on 4 February 2022 with the result that CFEO incurred 14 points on their licence, effectively disqualifying them from driving. The Licensing Unit Officer concluded by stating that CFEO's licence had been suspended with immediate effect and was now awaiting the Hearing Panel's decision.

In their deliberations, the Hearing Panel considered that CFEO had been disqualified from driving for 6 months from the date of the recent court hearing and would have to renew their licence after this period due to the expiry date on the current licence in July 2022. In considering these factors, the Hearing Panel felt it appropriate to revoke the licence with immediate effect.

#### **Decision**

To revoke CFEO's licence with immediate effect.

**LACHP/20/23. Review of a Private Hire Driver Licence - JA**

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

The Licensing Unit officer addressed the Hearing Panel, stating that JA's licence is due to expire next month, hence they had submitted a renewal. On this renewal application form, JA declared a Ply for Hire conviction which is why a review was required. This came from Operation Aztec in January 2020 whereby two plain clothed officers requested a journey without booking that JA accepted to take. Part way through the journey, JA's vehicle was intercepted by a marked police car where they were then questioned. JA plead guilty to ply for hire and the associated no insurance.

JA's appointed representative addressed the Hearing Panel, stating that JA apologises for what they had done. JA has held a licence for a number of years, with this being the first time they had been brought before a Hearing Panel. JA has received an increase in insurance costs, a fine and 6 points on their licence due to this conviction. JA has not worked much since. At this point, the appointed representative supplied a character reference from the firm JA works for.

In questioning, the Licensing Unit Officer sought to establish more information on the amount of work JA has done since the conviction and if they held a licence with a different authority. JA had worked a little, but the current pandemic had decreased their workload. JA was also ill for a period of time, which stopped them working. JA does not hold a licence with another authority.

The Panel asked if JA knew they were doing wrong at the time they took the journey leading to the conviction. JA accepted it was wrong, stating it had been a slow day for work and the requested journey was near their home and JA was due to finish their shift.

In their deliberations, the Hearing Panel considered that JA had received a sentence from the Courts. The Panel acknowledged that such an offence falls within their guidelines but did also consider that this was JA's first offence.

**Decision**

To suspend JA's licence for a period of 28 days with immediate effect.

**LACHP/20/24. Review of a Hackney Carriage Driver Licence - MNB**

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

The Licensing Unit officer addressed the Hearing Panel stating that they received information regarding MNB's arrest in July 2021 for a serious allegation whilst

working as a Hackney Carriage driver. MNB was suspended with immediate effect. The Licensing Unit received information from MNB's solicitors in January 2022 stating that no further action was to be taken.

At this point, MNB provided the Hearing Panel with a further written account of their version of events. MNB then addressed the Hearing Panel, disputing a section of the report. MNB provided their version of events for the incident in question, disputing the validity of the passenger's claims.

The Licensing Unit officer sought to establish further information on the night in question. MNB had a taped interview with the police, and this was what the information in the report was based on. MNB provided further information on their account of the incident.

The Hearing Panel sought to establish further information on MNB's actions that had been acknowledged as having happened and why this incident occurred.

In their deliberations, the Hearing Panel were convinced that an incident occurred in the back of the vehicle. They accepted that the statement from GMP in the report was based on an interview with MNB, whereby MNB admitted an incident took place. The Hearing Panel did not deem MNB a fit and proper person to hold a licence.

### **Decision**

To revoke MNB's licence with immediate effect.

### **LACHP/20/25.            Application for a New Private Hire Driver Licence - KA**

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

The Licensing Unit Officer informed the Hearing Panel that KA had numerous historical convictions (some for serious assault and drugs offences) within the guidelines and confirmed that KA had declared these convictions on their application.

KA addressed the Hearing Panel and stated that they had committed these offences when they were younger but expressed that they had now changed and were married with children and also attending university.

During questions from the Licensing Unit Officer and the Hearing Panel, KA stated that they had served a prison sentence and this had made them assess their previous lifestyle and led to KA leaving behind previous associates, striving to improve themselves.

In their deliberations, the Hearing Panel felt that KA had turned their life around, were now family oriented and clearly seeking to make improvements and bring up a family.

### **Decision**

To grant KA with a licence.

**LACHP/20/26. Renewal of a Private Hire Driver Licence - TKO**

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

The Licensing Unit Officer informed the Hearing Panel that TKO had a conviction for Ply For Hire which they had declared on their renewal application. TKO had been convicted in April 2021 and this offence was within the guidelines.

TKO addressed the Hearing Panel and stated that they were sorry for what they had done and that it was a mistake they would not repeat.

In responding to a question from the Legal representative, TKO confirmed that they had made a guilty plea in the first instance.

In their deliberations, the Hearing Panel felt that TKO had an otherwise clean record and would not repeat this offence.

**Decision**

To grant TKO's renewal with a warning to be placed on their record.

**LACHP/20/27. Application for a New Private Hire Driver Licence - AH**

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

The Licensing Unit officer inform the Hearing Panel that AH had a conviction for money laundering in 2014 with a conviction date in 2018. The guidelines for this offence was confirmed as 3-5 years and therefore, the offence was still within the guidelines.

AH addressed the Hearing Panel and stated that they had previously been a Private Hire driver for 28 years, adding that they had been working throughout the pandemic delivering food.

In response to questions from the Licensing Unit Officer and the Hearing Panel, AH stated that they had been in debt and worked for the lenders to pay off the loan. AH had been asked to look after a bag and return it to the workplace the following day. AH stated that they did not know what the bag contained, that all parties had been under surveillance and that they were arrested driving the lender's vehicle the following day. AH confirmed giving a guilty plea at court.

In their deliberations, the Hearing Panel felt that the conviction was still within the guidelines and that insufficient time had elapsed for them to consider granting the licence.

**Decision**

To refuse to grant AH with a licence.

**LACHP/20/28. Application for a New Private Hire Driver Licence - UA**

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

The Licensing Unit officer informed the Hearing Panel that UA has a conviction for possession of controlled substance, which falls within the guidelines, adding that UA was a former Hackney Carriage driver whose licence had expired in 2018.

UA addressed the Hearing Panel, stating that they were 24 years old at the time of the offence and no longer used the controlled substance, preferring a healthy lifestyle. UA concluded by telling the Hearing Panel that this offence would not occur again.

In their deliberations, the Hearing Panel considered that this was a one-off offence and felt that UA had improved their lifestyle.

**Decision**

To grant UA with a licence.

**LACHP/20/29. Application for a New Private Hire Driver Licence - MA**

The Hearing Panel were informed that MA could not attend on this date and had requested a deferral.

**Decision**

To defer to a later date.

**LACHP/20/30. Review of a Private Hire Driver Licence - SJ**

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

The Licensing Unit officer addressed the Hearing Panel stating that the Licensing Unit were advised in November 2021 of a conviction for an SP50, speeding on a motorway, received by SJ. SJ received a fine and 6 points on their licence.

SJ's representative addressed the Hearing Panel, providing a background to the character of SJ. They have held a licence for a number of years and their licence record has been clean until this point. At the time of conviction, SJ was not driving a licenced vehicle. SJ had suffered a bereavement in the family and was therefore driving a family member, the owner of the vehicle, to the funeral. Once the owner of the vehicle received notification that the vehicle had been caught speeding, SJ immediately accepted responsibility for driving the vehicle. SJ appeared in person at the court of the issuing authority.

The Licensing Unit officer sought to establish further information about the court attendance. SJ informed them that they did attend in person and was represented in court. However, they did not attend initially but sent a guilty plea, along with a hardship plea. Due to this hardship plea, it was requested that SJ attend in person which he did.

The Hearing Panel sought to establish why SJ had been driving at 104mph. SJ explained that they were driving a powerful, large car that did not feel it was going so quick due to its comfort. As soon as they realised the speed, they slowed down.

In their deliberations, the Hearing Panel acknowledged that the offence did not occur in a Licenced vehicle. The Hearing Panel were satisfied that SJ's record up until this point had been clean.

### **Decision**

To reinstate SJ's licence, with a warning placed on file against future conduct.

### **LACHP/20/31. Review of a Private Hire Driver Licence - MQY**

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

The Licensing Unit officer addressed the Hearing Panel stating they had been informed of a serious conviction against MQY in January 2022. Upon receipt of this, MQY's licence was suspended with immediate effect. The conviction was referred to the Crown Court, for which a hearing was held in February 2022. The Licensing Unit had not received official confirmation of the sentence, but MQY informed officers of the sentence before the Hearing.

MQY's appointed representative told the Panel that MQY could not do any physical work due to their health. MQY provided their version of events on how they had been convicted for such a serious offence.

In questioning, the Hearing Panel sought to establish further information on how the offence occurred and how the police began their investigation. MQY provided the information requested.

In their deliberations, the Hearing Panel were extremely concerned regarding the seriousness of the offence. The Panel felt that the offence made MQY not a fit and proper person to hold a licence and that MQY was a risk to public safety as a licence holder.

### **Decision**

To revoke MQY's licence with immediate effect due to concerns over public safety.

### **LACHP/20/32. Review of a Private Hire Driver Licence - AK**

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

The Licensing Unit officer informed the Hearing Panel that AK had a number of motoring convictions which had not been declared in a timely manner on their renewal. The Licensing Unit Officer also confirmed a further non-disclosure of convictions on a previous application dating back to 2016 which had led to the Unit issuing AK with a warning to declare any future convictions.

AK addressed the Hearing Panel and stated that they had been out of the country due to their Grandmother's illness and subsequent passing. The renewal was completed by AK's children and AK stated that they had left them to this task as they have difficulty with reading and writing. AK stated that they have only ever had one occupation, in taxi driving.

In response to questions from the Licensing Unit Officer and Hearing Panel, AK stated that it was their laziness that made them rely on others to complete tasks that AK is responsible for but added that they had felt pressure from family members' illnesses which had made them forgetful. AK stated that they had not been carrying passengers when they had been caught speeding.

In their deliberations, the Hearing Panel were very concerned at the number of speeding offences incurred by AK and felt that AK was irresponsible and dishonest in how they manage their work.

### **Decision**

To refuse to grant AK's licence renewal.