

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 28 March 2022

Present: Councillor Andrews – in the Chair

Councillors: Andrews, Hewitson and Reid

LACHP/20/35. 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/20/36. Review of a Private Hire and Hackney Carriage Driver Licence - QS

The Licensing Unit Officer informed the Hearing Panel that QS was not able to attend the hearing.

The Hearing Panel considered that QS should have the opportunity to represent themselves at a future hearing.

Decision

To defer QS's hearing until the next available hearing date.

LACHP/20/37. Application for a New Hackney Carriage Driver Licence - AMA

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

The Licensing Unit officer addressed the Hearing Panel, stating that AMA had their Hackney Carriage Driver Licence revoked in May 2016 due to a string of complaints, adding that AMA had their application for another licence refused in October 2018. The Licensing Unit officer confirmed that the list of previous offences were now outside of the guidelines but contained in the report for the Hearing Panel's consideration on AMA's previous behaviour.

AMA addressed the Hearing Panel, stating that a number of the complaints levelled at them were in fact complaints against another driver, working the other shift on the same vehicle. AMA claimed not to be a smoker and stated that they had a statement from their GP to support this. Regarding lack of knowledge on certain routes, AMA stated that this was a long time ago, that there was a misunderstanding with

postcodes navigating to the Trafford Centre and that there was more than one route to many of the destinations that passengers had complained about. AMA expressed to the Hearing Panel that they had learnt from their complaints, acknowledged their previous mistakes and wished to work again, stating that family responsibilities would keep AMA focussed on improved behaviour.

In questioning, the Licensing Unit Officer sought to establish more information on the kind of work AMA has done since the revocation. AMA stated that they had worked a little, but that, overall, they had been in receipt of benefits since 2017.

The Panel asked AMA about their lack of work since 2017 and AMA stated that they would not be confident in obtaining a reference from the taxi licensing unit and felt that this would affect their ability to gain other types of employment.

In their deliberations, the Hearing Panel considered that AMA had a long period of unemployment and had reflected on their previous behaviour as a Hackney Carriage driver. The Hearing Panel felt that AMA should be given a chance to prove themselves as a reliable and trustworthy licence holder.

Decision

To grant AMA's licence with a warning.

LACHP/20/38. Review of a Private Hire Driver Licence - AAH

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

The Licensing Unit officer addressed the Hearing Panel stating that AAH had informed the Licensing Unit of an MS90 (failing to give information relating to the identification of a driver when required) in September 2021.

AAH addressed the Hearing Panel and stated that they hadn't received the initial letter in relation to a speeding offence, instead receiving a court summons 6/7 months after the offence date. AAH stated that they were not the driver of the vehicle at the time.

The Licensing Unit officer asked if the vehicle was their licensed vehicle, whether they were represented at court and whether AAH had given a guilty plea. AAH stated that it was not their licensed vehicle, that they were not represented and that AAH did not plead guilty. The Licensing Unit officer then asked AAH to confirm that the court had found them guilty and AAH confirmed this.

The Hearing Panel sought to establish further information on AAH's actions that had led to the incident. AAH stated that they had been sharing driving duties with another person and that the offence was so long ago that they couldn't be sure of who was driving the vehicle at the time.

In their deliberations, the Hearing Panel accepted that AAH did not receive the initial letter and that this led to the offence becoming an MS90 but felt that a warning

should be attached to warn AAH about their responsibilities when sharing a vehicle with another driver.

Decision

To attach a warning to AAH's licence.

LACHP/20/39. Application for a New Private Hire Driver Licence - RFJ

The Licensing Unit Officer informed the Hearing Panel that RFJ had instructed a solicitor to represent them but that RFJ had informed the unit that they were not available for this hearing.

Decision

To defer RFJ's hearing until the next available hearing date.

LACHP/20/40. Review of a Private Hire Driver Licence - MQ

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

The Licensing Unit Officer informed the Hearing Panel that MQ had a conviction for Ply For Hire and had received a 3 month driving disqualification at court in February 2021. The Licensing Unit had suspended MQ's licence with immediate effect as all drivers are required to hold a current DVLA licence.

During questions to the Licensing Unit Officer, MQ stated that they had appealed the decision and had the conviction suspended. MQ produced a Notice of Appeal but could not confirm what stage the appeal was at or when it would be brought back to court.

In responding to guidance from the Legal representative, the Hearing Panel considered that the hearing would need to be deferred until the outcome of the appeal was finalised.

In their deliberations, the Hearing Panel did not alter the Licensing Unit's suspension with immediate effect and delegated authority to vary the terms of the suspension, where appropriate, to the Senior Licensing Officer.

Decision

To defer MQ's hearing to a future date.

LACHP/20/41. Renewal of a 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 informed the Hearing Panel that AH's licence had expired in January 2022 and that AH had previously been disqualified from driving due to a totting up offence. AH had appealed the decision which was lifted and then re-imposed.

AH questioned the details regarding their ban being lifted, stating that this was not the case.

AH addressed the Hearing Panel and stated that their vehicle had been stolen and they had been provided with an incident number and a log number from the police. AH had been informed by their solicitor that providing these details should have the case thrown out of court but that it did not and this was not AH's mistake. AH stated that the case went from the Magistrate's Court to Crown Court, adding that AH's legal team asked for the ban to be lifted and that AH had gone along with this proposal.

The Licensing Unit officer asked if AH entered a guilty plea at Magistrate's Court. AH stated that he pleaded Not Guilty. The Licensing Unit officer asked if they were found Guilty at Crown Court and AH confirmed this.

The Hearing Panel sought to establish details around AH's previous motoring conviction, which was outside of the guidelines, and AH admitted that the incident happened and that they had made a guilty plea.

In their deliberations, the Hearing Panel considered that there was a recent, live conviction, handed down at court, that they could no go beyond as it was within the guidelines.

Decision

To refuse to grant the renewal.

LACHP/20/42. Review of a Private Hire Driver Licence - LDJJ

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and LDJJ, who was accompanied by their partner.

The Licensing Unit officer informed the Hearing Panel that the unit was informed about a change to LDJJ's DBS. The unit contacted LDJJ who told them of a conviction dating back to December 2021 for indecent exposure. The Licensing Unit then suspended LDJJ's licence with immediate effect, pending the Hearing Panel's decision.

LDJJ addressed the Hearing Panel, stating that they have 15 years good service in the trade and that they take pride in their job. LDJJ gave information regarding the incident whereby they had split from their current partner and had met someone new. During a night with the new partner, LDJJ became inebriated, was introduced to the new partner's mother and encouraged to act in an amusing manner. It was at this moment that LDJJ exposed themselves as a prank. This relationship did not last and LDJJ stated that they had not wished to carry on. 2 weeks after ending the

relationship, the previous partner had LDJJ arrested in what LDJJ claims to be a revenge act. LDJJ admitted the offence and explained that they had since reconnected with their earlier partner, who was attending the hearing.

During questioning from the Licensing Unit Officer, LDJJ stated that they had given a guilty plea at court.

In their deliberations, the Hearing Panel considered that LDJJ had an otherwise clean record, that this was a one-off offence and noted that LDJJ had been honest and helpful throughout the process.

Decision

To lift the suspension and attach a warning to LDJJ's licence.

LACHP/20/43. Application for a New Private Hire Driver Licence - CZM

The Licensing Unit Officer informed the Hearing Panel that CZM had instructed a solicitor to represent them but that CZM had informed the unit that they were not available for this hearing.

Decision

To defer CZM's hearing until the next available hearing date.

LACHP/20/44. Review of a Hackney Carriage Driver Licence - ZA

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

The Licensing Unit officer addressed the Hearing Panel stating that the review status had now changed to a renewal as the licence had expired on 21 March 2022. The review status was triggered by ZA having declared previously unknown convictions on their renewal for "Acquire/use/possess criminal property" and "MS90 - Failure to give information as to identity of driver." Both of these were within the guidelines. The Licensing Unit officer stated that ZA had given a Not Guilty plea for the criminal property case but had been found guilty by court and sentenced in November 2019. The Licensing Unit officer referred the Hearing Panel to the case history in the report for further court appearances and associated outcomes.

ZA addressed the Hearing Panel and stated that they had trusted a friend who was interested in buying a car from ZA. The friend had changed their mind and requested their payment back in cash, essentially involving ZA in a money laundering exercise. ZA stated that they have been a good driver with many years' service, adding that the convictions were not linked to their work in the taxi trade.

The Licensing Unit officer sought to establish further information about the MS90 offence. ZA explained that the incident occurred in London, a family member had access to ZA's vehicle but ZA did not know who was driving and couldn't give any information when asked by police.

The Hearing Panel sought to establish why ZA had not refunded the friend via bank transfer. ZA stated that they did not have online banking at this time.

In their deliberations, the Hearing Panel acknowledged that the offences were not linked to ZA's taxi work and felt that ZA had not appeared before the Hearing Panel for 10 years. The Hearing Panel were concerned that ZA needed to take responsibility for their actions but felt that they had been appropriately dealt with at court hearings.

Decision

To renew ZA's licence with a warning placed on file against future conduct.

LACHP/20/45. Review of a Private Hire and Hackney Carriage Driver Licence - IN

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

The Licensing Unit officer addressed the Hearing Panel stating that IN had informed the unit of a recent court conviction. IN had taken over the running of their partner's business, but a decision had been handed down in 2012, barring IN from being involved at Company Director level of any business. The Licensing Unit officer referred the Hearing Panel to the report for further details.

IN questioned the use of the term "fraud" in the report and the Licensing Unit officer stated that the police had referred to the case as "fraud."

IN addressed the Hearing Panel and stated that they are not a harmful person and hadn't had any involvement in running businesses since the ban in 2012. IN stated that they had assisted their partner in translating for their business and, as the business was growing, IN's partner was asking for further help with organising and orders. IN's partner had a period of medical ill health and IN admitted to being naïve in helping out with the running of this business for this period. After a period of difficulty with the business IN was shocked to discover that they were subject to criminal proceedings. IN stated that they were genuine circumstances, they they had been naïve and that this wouldn't happen again.

In questioning, the Licensing Unit officer sought to establish further information on how involved IN had become in the business. IN stated that they were taken on as an employee, not a director, but had signed off papers at a meeting when the business was sold.

In questioning, the Hearing Panel sought to establish IN's previous involvement in other companies, now dissolved and owing large amounts to creditors. IN stated that they had been involved in these companies.

In their deliberations, the Hearing Panel were extremely concerned about IN's character, feeling that the involvement in previous businesses had been run

dishonestly, leaving creditors owed large sums of money. The Hearing Panel were not sufficiently satisfied with IN's account of the incident and therefore did not depart from the guidelines. The Hearing Panel felt that IN was not a fit and proper person to own the licences and revoked IN's Private Hire and Hackney Carriage licences.

Decision

To revoke IN's licences.