

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 25 April 2022

Present: Councillor Andrews – in the Chair

Councillors: Grimshaw and Hughes

LACHP/20/54. 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/20/55. Application for a New Private Hire Driver Licence - AA

The Licensing Unit Officer informed the Hearing Panel that AA had not arrived to attend their hearing.

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

Decision

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

LACHP/20/56. Application for a New Private Hire Driver Licence - ZRI

The Licensing Unit Officer informed the Hearing Panel that ZRI was unable to attend their hearing due to being outside of the UK.

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

Decision

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

LACHP/20/57. Application for a New Private Hire Driver Licence - MA

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

The Licensing Unit officer addressed the Hearing Panel stating that MA had a serious historical conviction which remained within the guidelines, that MA had declared this upon application and that MA had previously applied in 2018 and been refused a licence.

MA addressed the Hearing Panel and stated that the offence occurred in 2005 and they were subsequently convicted in 2008. MA expressed that this was a big mistake they had made as much younger person and that they now have a partner and child. MA was hoping to gain a licence to support the family and be able to work for themselves.

The Licensing Unit officer asked MA about any current work. MA stated that they had an SIA security job on a car park. The Licensing Unit officer enquired whether MA had declared the offence prior to being given an SIA licence and the duration of this position. MA stated that they had declared the offence and that they had been employed in this capacity for 4/5 years.

In their deliberations, the Hearing Panel considered the serious nature of the offence but balanced this with the length of time since the offence and conviction, additionally considering MA's age at the time of the offence and that MA had no other offences to take into account. The Hearing Panel accepted that this had been an isolated incident, that MA had matured and that MA showed genuine remorse over the incident.

Decision

To grant MA's licence.

LACHP/20/58. Review of a Hackney Carriage Driver Licence - AN

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

The Licensing Unit officer addressed the Hearing Panel stating that AN had a conviction from September 2021 for using a vehicle uninsured against third party risks. AN had paid a fine of £600 and incurred 6 penalty points on their licence.

AN addressed the Hearing Panel and stated that their personal vehicle wouldn't start after working the night shift for the journey home. AN called a friend in the area who offered their car for AN to use. AN had always had fully comprehensive insurance and felt certain that they would be covered to drive their friend's car home and so went ahead and did so. As they were approaching their area, AN was stopped by local police who had checked the vehicle and found it to be from Manchester. The police checked AN's insurance and told AN that they were not covered under third party insurance on their policy. AN stated that they did not know this and that they had switched providers during the pandemic to save money when work was slow in

the taxi trade. The new company did not cover third party insurance under the fully comprehensive package, unlike AN's previous company. AN stated that they have now re-joined with their previous company and admitted that it was their mistake for not checking the small print.

The Licensing Unit officer asked AN if the vehicle was insured and why they were stopped by police. AN responded stating that the car was insured and that they live on the outskirts of West Yorkshire so the police found it odd to see a car insured in Manchester and therefore made checks.

In their deliberations, the Hearing Panel accepted that this was a genuine mistake and that AN was not driving their licenced vehicle when stopped by the police.

Decision

To take no further action with regard to AN's licence.

LACHP/20/59. Review of a Private Hire Driver Licence and Review of a Hackney Carriage Driver Licence - QS

The Licensing Unit Officer informed the Hearing Panel that QS was unable to attend their hearing due to being outside of the UK.

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/20/60. Application for a Private Hire Driver Licence - RFJ

The Licensing Unit Officer informed the Hearing Panel that QS was unable to attend their hearing due to being outside of the UK.

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/20/61. Review of a Private Hire Driver Licence - MQ

The Licensing Unit Officer informed the Hearing Panel that MQ had requested a deferral prior to the hearing.

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

Decision

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

LACHP/20/62. Application for a New Private Hire Driver Licence - CZM

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

The Licensing Unit officer informed the Hearing Panel that CZM was a previous licence holder but had not submitted a renewal upon expiry in December 2021 and that there were 3 major traffic convictions to consider from March and September 2020 and January 2020 which had attracted 17 penalty points.

The agent sought to clarify if the Licensing Unit thought that CZM was driving their licenced vehicle for any/all of the traffic offences. The Licensing Unit officer stated that he did not have this information and the agent expressed that he did not believe that CZM was acting as a taxi driver for any of the offences.

The Hearing Panel sought to clarify whether CZM was disqualified, having 17 penalty points and the agent confirmed that they had represented CZM at court and submitted a hardship plea which had been accepted by the judge, therefore CZM had not been disqualified.

CZM's agent addressed the Hearing Panel and stated that there had been police investigations but no further action taken against CZM. Regarding the traffic convictions, the most recent had occurred as a take-away driver and CZM claimed vicarious liability. The agent stated CZM had no evidence to substantiate this claim and was therefore found guilty. Exceptional hardship had been claimed and accepted due to the impact it would have on CZM's family if they were unable to drive. The agent explained that CZM was working 20 hours a week but wished to increase their earnings by working more hours and concluded by expressing that CZM had no convictions against them occurring from driving a licenced vehicle and added the public would not be at any risk.

The Licensing Unit officer sought to clarify why CZM had not opted to renew upon expiry of their licence and CZM stated that they had lost count of time during the pandemic.

The Hearing Panel sought to clarify information around the MS90 and speeding incident. Regarding the MS90, CZM stated that they had been given a work vehicle for deliveries and that the company were not prosecuted as CZM was liable to make their own checks. For the speeding incident, CZM stated that they had been returning from Leeds late at night driving at 93mph.

In their deliberations, the Hearing Panel considered that CZM had incurred too many penalty points, regardless of the accepted hardship plea, deeming that CZM presented a public safety concern. The Hearing Panel also noted that January 2024 would be the earliest point at which CZM would be outside of the guidelines and felt that there was nothing to convince them to step outside of this policy.

Decision

To refuse to issue CZM with a licence.

LACHP/20/63. Review of a Private Hire Driver Licence - SA

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

The Licensing Unit officer addressed the Hearing Panel stating that the unit had written to SA with a reminder about their forthcoming renewal and SA submitted this on the same day in February 2022. On the application, SA had ticked “no” in response to the question for any pending matters and the unit issued the renewal. On 8 March, SA informed the unit that they had been convicted on 4 March of MS90, failure to give information on driver details. The Licensing Unit officer stated that SA should have notified the unit of this as a pending matter.

SA addressed the Hearing Panel and stated that they were the registered keeper of a family vehicle that other members of the family used. The car was caught speeding and SA received a letter from the police, as the registered keeper of the vehicle. SA forwarded 2 letters to the family, thinking it would be their responsibility to claim liability for the incident. The family members did not reply in time and SA was charged. SA stated that they pleaded not guilty and gave the family member’s details but was charged as the responsible party. SA explained that they thought a “pending matter” meant actual convictions and stated that they did not intend to be dishonest as their taxi work is their livelihood.

In their deliberations, the Hearing Panel accepted SA’s version of events and considered that they had been unfortunate and not dishonest. The Hearing Panel felt satisfied to depart from the guidelines in this instance.

Decision

To take no further action with regard to SA’s licence.

LACHP/20/64. Review of a Private Hire Driver Licence - NK

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

The Licensing Unit officer addressed the Hearing Panel stating that NK’s licence was suspended with immediate effect in October 2020 following a very serious allegation from a family member. The Licensing Unit officer stated that enquiries had now concluded, that NK had no further action taken against them and that the unit made their own checks as to the outcome. The checks showed that the accuser did not want to pursue further action as outlined by GMP.

NK addressed the Hearing Panel and stated that this was the 3rd attempt by the family member to level this type of accusation against NK. NK stated their innocence this time, as with other occasions, expressing that this person had anger issues but nothing to hang any of their claims against NK on. GMP and the judge had agreed that NK was not guilty of the allegation.

During questions from the Licensing Unit officer and Hearing Panel, NK confirmed that they had broken off their relationship after the 2nd allegation, that the family had intervened to assist after the 1st allegation and that NK had proof that they were not with this person at the time of one of the alleged incidents.

In their deliberations, the Hearing Panel considered that this was the third such allegation against NK with no further action and felt satisfied that criminal investigations had concluded to find NK innocent.

Decision

To lift the suspension on NK's licence.