

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

### **Minutes of the meeting held on Monday, 23 May 2022**

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

**Councillors:** Grimshaw and Hughes

#### **LACHP/20/72. Exclusion of the Public**

##### **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/20/73. Renewal of a Hackney Carriage Driver Licence and Review of a Private Hire Driver Licence - SS**

The Licensing Unit officer informed the Hearing Panel that SS had appealed their sentence at Crown Court and the matter was awaiting an outcome.

##### **Decision**

To defer the hearing until the outcome of the court case.

#### **LACHP/20/74. Application for a New Hackney Carriage Driver Licence - IK**

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

The Licensing Unit officer addressed the Hearing Panel stating that IK has a conviction for a criminal offence relating to public order which is within the guidelines. IK had disclosed this information on their application and had previously worked in the taxi trade.

IK addressed the Hearing Panel and stated that they are now 51 years old and previously a taxi driver from 1992 until their refusal in 2019 and that they have a good record overall. IK told the panel of various personal difficulties during the time of the offence. IK had been a courier since the refusal in 2019 and had carried out work helping mosques and food banks.

During questions from the Licensing Unit officer and Hearing Panel, IK stated that they accept the information in the report as correct, that IK was looking to rejoin the taxi trade due to their partner's diabetes and the ability to work hours around any assistance needed, that they had racially abused a passenger but the comment just

slipped out, that the incident where IK held a clenched fist was during a difficult time in IK's life and they had been verbally abused and that IK had made a not guilty plea but accepted the charges afterwards.

In summary, IK's representative stated that IK had accepted responsibility for their actions, had been involved in the community and reflected on their conduct. The representative stated that the guidelines stated 3 years and the time elapsed was now beyond this.

The Legal representative for the Hearing Panel noted that the guidelines for racially motivated grievances was 5 years.

In their deliberations, the Hearing Panel felt that there was no reason to depart from the guidelines, that this was a serious offence and they had a duty to keep the public safe from verbal and physical harm and/or threats.

### **Decision**

To refuse to grant IK with a licence.

### **LACHP/20/75. Review of a Hackney Carriage Driver Licence and Review of a Private Hire Driver Licence - QS**

The Licensing Unit officer informed the Hearing Panel that QS was still abroad owing to a family matter.

### **Decision**

To defer the hearing until a future date.

### **LACHP/20/76. Application for a New Private Hire 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 addressed the Hearing Panel stating that AA had been convicted of speeding and had not disclosed this information on their application. AA had declared the offence during a face to face interview, informing the unit of their £250 fine and 6 penalty points as a result of the offence, which was within the guidelines.

Owing to AA stating that they didn't understand the question on the application form, the Licensing Unit officer confirmed that the application asked for any spent/unspent criminal and/or traffic convictions.

AA addressed the Hearing Panel and stated that they had no other convictions and explained the incident. AA was near Birmingham when a car came up close behind. AA sped up briefly and was then pulled over by an unmarked police car who explained that they were checking AA's number plate. AA expressed that this was a mistake, adding that COVID had affected their previous business, they have children

and are looking for flexible work. AA apologised for their mistake on the application form.

In their deliberations, the Hearing Panel accepted AA's version of events and departed from the guidelines.

### **Decision**

To issue AA's licence with a warning attached.

### **LACHP/20/77. 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 addressed the Hearing Panel stating that AK has a recent complaint for conduct and behaviour and that AK was now before the Hearing Panel, owing to similar complaints on file.

AK addressed the Hearing Panel and stated that they accept the information in the report and explained that driving can sometimes be stressful but that they were not a bad person. AK made an apology to the Hearing Panel regarding the incident.

During questioning from the Licensing Unit officer and Hearing Panel, AK stated that they would stay calm and think of their family in future.

In their deliberations, the Hearing Panel felt that AK had shown willingness to alter their behaviour at the hearing.

### **Decision**

To attach a warning to AK's licence.

### **LACHP/20/78. Review of a Hackney Carriage Driver Licence and Review of a Private Hire Driver Licence - ZC**

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

The Licensing Unit officer addressed the Hearing Panel stating that ZC had received 3 complaints relating to refusal of hire and overcharging.

ZC addressed the Hearing Panel and stated that they had asked a customer to pay upfront because of the late hour. The customer then argued and decided to go to the cab behind ZC's who returned with the customer and questioned ZC, stating that ZC should take them. The driver behind had then taken the customer and told them to complain. ZC stated they had experienced incidents of non-payment and felt they had done the right thing to protect themselves after a previous angry client had broken a window in the cab and ZC had to replace at their own cost.

In responding to questions from the Licensing Unit officer on the previous incident, ZC stated that they had quoted £5/6 as the fare but asked for £10 up front, that ZC had the meter on as per procedure, that ZC has experience of argumentative customers refusing to pay and/or attacking their vehicle, that it's possible that they had misread the situation.

In responding to questions from the Licensing Unit officer and Hearing Panel on the overcharging incidents, ZC stated that they hadn't attempted to charge a customer £1 to use their debit/credit card. For the second overcharging incident, ZC stated that they had been informed to charge £5 for an airport drop off but the customer had checked at the hotel and was informed that there was no extra charge to their location. ZC stated they couldn't remember if the journey had been to a hotel or the terminal but knew that charges only applied at the airport. ZC stated they knew that the extra charge was £1.80 and a Hearing Panel member noted that ZC had repaid the full £5, asking ZC why. ZC stated that they had been advised to do so by an officer.

In their deliberations, the Hearing Panel were not convinced by ZC's recollection of events and noted that it was an offence to refuse a fare.

### **Decision**

To suspend both of ZC's licences for 14 days.

### **LACHP/20/79. 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, SA and their appointed interpreter.

The Licensing Unit officer addressed the Hearing Panel stating that SA was before the Hearing Panel due to a recent conviction for MS90 - Failure to give information as to identity of driver etc. The initial police letter regarding driving on the hard shoulder had not been received by SA and therefore SA had been issued with an MS90.

SA addressed the Hearing Panel and explained that they had trouble with their vehicle and pulled into the hard shoulder on the motorway. SA then stated that they realised they were a 5 minute drive from home and set off again along the hard shoulder and re-joined the motorway.

During questions from the Licensing Unit officer and the Hearing Panel, SA explained that his post was being delivered to his father in law's shop and he hadn't received the first letter from the police and that SA had accepted the offence.

In their deliberations, the Hearing Panel noted that SA had accepted the offence but were concerned that the registered address was not SA's home address.

### **Decision**

To attach a warning to SA's licence and recommend that address details are updated within a time limit of 28 days.

**LACHP/20/80. Review of a Private Hire 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 addressed the Hearing Panel stating that AA had a conviction for Ply for Hire which they had detailed on their application for a renewal in June 2022. The conviction was within the guidelines.

AA addressed the Hearing Panel and stated that they were sorry and had made a mistake.

During questioning from the Licensing Unit officer and Hearing Panel, AA stated that they had never plied for hire before, had asked the officers to call beforehand but taken them as passengers anyway and had quoted a fare for the journey.

In their deliberations, the Hearing Panel felt that AA was remorseful and had given a guilty plea.

**Decision**

To suspend AA's licence for 28 days.

**LACHP/20/81. Review of a Hackney Carriage Driver Licence - WM**

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

The Licensing Unit officer addressed the Hearing Panel stating that WM had been convicted of 2 incidents of fly tipping. WM had accepted the charges at court.

WM addressed the Hearing Panel and stated that they were ashamed of themselves and apologised for the offences. WM saw other piles of discarded waste and thought it was ok to add their own waste to the pile.

In responding to questions from the Licensing Unit office and Hearing Panel, WM stated that they had fly-tipped early in the morning on their way out to start the early morning shift, that they did not know at the time that it was an offence, that they were sorry and would use the recycling centre in future.

In their deliberations the Hearing Panel felt that WM was remorseful and would not repeat the act.

**Decision**

To attach a warning to WM's licence.