

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 20 June 2022

Present: Councillor Grimshaw (Chair) – in the Chair

Councillors: Andrews and Hughes

LACHP/20/82. 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/20/83. Application for a New Private Hire Driver Licence - LAA

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

The Hearing Panel considered LAA's latest conviction as it fell within the guidelines and the Hearing Panel concluded after hearing from LAA, there had been a sufficient period of rehabilitation since the offence occurred. The Committee decided that Mr Adam is fit and proper to hold a Private Hire Drivers' licence.

Decision

To grant the Private Hire Licence to LAA.

LACHP/20/84. Review of a Private Hire Driver Licence - MYD

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

The Hearing Panel was informed of an allegation that had been made against MYD by a passenger, which had been denied by MYD. A further allegation made against MYD by Greater Manchester Police regarding an incident in his vehicle on 5 June 2022.

The Hearing Panel was informed that a senior licensing officer had suspended MYD's licence with immediate effect on 6 June 2022.

The Hearing Panel were deeply concerned about the allegations made against the driver. It was noted that no charges had been brought against the driver at this point, however due to the extremely seriousness nature of the alleged offence, the Hearing Panel decided that it was in the interests of the safety of the public, particularly the

most vulnerable passengers, to impose a suspension with immediate effect, pending the outcome of the criminal investigation and any proceedings. The Committee also took into consideration their Statement of Policy and Guidelines.

Decision

To continue with the suspension of MYD's Private Hire driver's licence with immediate effect, in the interests of public safety, until the outcome of the current criminal investigation and any proceedings when the matter is then to be brought back before Hearing Panel for consideration.

LACHP/20/85. Review of a Hackney Carriage Driver Licence and Application for a New Private Hire Driver Licence - GK

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

GK has two recent convictions: one related to driving resulting in a fine and three penalty points and the other relating to a fine under the Communications Act 2003.

The Hearing Panel concluded GK was fit and proper to hold the licences. The Hearing Panel decided that both licences needed to be marked with a warning to reflect the offences committed GK. The Hearing Panel also took into consideration their Statement of Policy and Guidelines.

Decisions

1. To issue GK a warning about future conduct (Hackney Carriage Licence).
2. To grant GK a private hire drivers' licence with a warning about future conduct.

LACHP/20/86. Renewal of a Private Hire Driver Licence - MS

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

The Hearing Panel heard application and the circumstances which resulted in MS being suspended to the outcome of the criminal investigation/court proceedings.

The Hearing Panel that MS had been acquitted by a jury and found not guilty of the charge against him on at Manchester Crown Court. The Committee concluded that Mr Sharif was now a fit and proper person to hold a licence. The Committee also took into consideration their Statement of Policy and Guidelines.

Decision

To grant the renewal.

LACHP/20/87. Review and Renewal of a Private Hire Driver Licence- HA

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and HA who was supported by an interpreter.

The Licensing Unit officer addressed the Hearing Panel stating that HA had declared a conviction of no insurance resulting from an offence committed of plying for hire in March 2020.

The Hearing Panel considered the circumstances of the conviction of plying for hire, however the Committee took into account the mitigation of HA on the offences and decided to suspend the licence until it's completion (14 July 2022). The Committee also took into consideration their Statement of Policy and Guidelines.

Decision

To suspend the licence until the 14 July 2022.

LACHP/20/88. Application for a New Hackney Carriage Driver Licence - JM

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

The Committee has considered the report provided along with the representations made by MJ and The Licensing Unit.

In consideration of the application, the Hearing Panel noted that in view of the complaints made against MJ over a period of time, no complaints were received in the last 2 years. The Hearing Panel took into account that MJ had acknowledged his behaviour was not appropriate and had undertaken courses to address his behaviour.

The Committee also took into consideration their Statement of Policy and Guidelines.

Decision

To grant new Private Hire Drivers Licence, with a severe warning about future conduct.

LACHP/20/89. Review of a Hackney Carriage Driver Licence - HGI

The Hearing Panel noted that the application had been withdrawn and was therefore not considered.