

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 18 July 2022

Present: Councillor Jeavons – in the Chair

Councillors: Andrews and Hewitson

LACHP/20/93. 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/20/94. Application for a New Private Hire Driver Licence - ZRI

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The oral and written and oral accounts made by the Licensing Unit officer and the Applicant were also considered.

In reaching its decision, the Hearing Panel took into consideration the Statement of Policy and Guidelines. In doing so, the Hearing Panel recognised that the conviction fell outside of the guidelines. The Panel accepted the Applicant's submissions of remorse and noted the unblemished driving record which had elapsed for a period of time greater than his disqualification. The Panel therefore resolved to grant the application.

Decision

To grant the application.

LACHP/20/95. Review of a Hackney Carriage Driver Licence and Review of a Private Hire Driver Licence - QS

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The oral and written and oral representations made by the Licensing Unit officer, the Licence Holder and their Trade Union Representative were also considered.

In reaching its decision, the Hearing Panel took into consideration the Statement of Policy and Guidelines.

Having carefully considered all of the representations, the Hearing Panel resolved to place a further and final warning on the licence holders record in respect of future conduct.

Decision

To issue a final warning as to future conduct

LACHP/20/96. Application for a New Private Hire Driver Licence - GBH

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The oral and written and oral representations made by the Licensing Unit officer and the Applicant were also considered.

In reaching its decision, the Hearing Panel took into consideration the Statement of Policy and Guidelines. In doing so, the Hearing Panel recognised that the guidance stated that convictions of this type (and within a certain timeframe) were unlikely to be considered favourably. The Hearing Panel was not convinced by the Applicant's representations to step outside the guidelines, and the decision was made not to grant the licence.

Decision

To refuse the application.

LACHP/20/97. Application for a New Private Hire Operator Licence and Review of a Private Hire Driver Licence - MO

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The oral and written and oral accounts made by the Licensing Unit officer and the Applicant were also considered.

In reaching its decision, the Hearing Panel took into consideration the Statement of Policy and Guidelines. The Hearing Panel was not persuaded by the Applicant's assertions that the evidence put forward by council officers was incorrect. They considered this alongside the trusted position of an Operator Licence holder, and competency in terms of knowledge of the licensing regime. On that basis, the Panel resolved to refuse the application for a Private Hire Operator Licence and take no further action with regard to the Private Hire Driver Licence.

Decision

To refuse the application for a New Private Hire Operator Licence and take no further action taken with regard to the Private Hire Driver Licence

LACHP/20/98. Application for a New Private Hire Operator Licence - EU

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The oral and written and oral representations made by the Licensing Unit officer and the Applicant were also considered.

In reaching its decision, the Hearing Panel also took into consideration the Statement of Policy and Guidelines. The Panel noted that the application was connected with a separate application for an Operator Licence that had already been decided upon in an earlier item of business, and as a result of being unable to go behind that decision, resolved to take no further action with regard to the disciplinary matter associated with the private hire licence.

Decision

To refuse the application.

LACHP/20/99. Review of a Private Hire Driver Licence and Review of a Hackney Carriage Driver Licence - TM

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The Licence Holder failed to attend the hearing and consequently, the Panel therefore considered the case in the Licence Holder's absence.

The Hearing Panel also took into consideration the Statement of Policy and Guidelines. They also took into consideration the nature of the incident and the action that had been taken to date, in the interest of public safety

The Panel therefore resolved to suspend both licences pending the outcome of the investigation.

Decision

To suspend the Hackney Carriage Driver and private Hire Driver Licences pending the outcome of the investigation.

LACHP/20/100. Review of a Private Hire Driver Licence - BS

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The oral and written and oral representations made by the Licensing Unit officer and the Applicant.

In reaching its decision, the Hearing Panel took into consideration the Statement of Policy and Guidelines and in doing so, noted that the matter fell outside of the guidelines. The Panel stressed the importance ensuring that the Council was informed, should they be convicted of any relevant offences and urged the Licence Holder to be mindful of the likelihood that a future Panel may choose to take enforcement action, should this error be repeated.

Decision

To take no further action.

LACHP/20/101. Review of a Private Hire Operator Licence and Review of a Private Hire Driver Licence - PAM

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The oral and written and oral representations made by the Licensing Unit officer, the Licence Holder and their legal representative.

In reaching its decision, the Hearing Panel took into consideration the Statement of Policy and Guidelines. The Panel carefully considered the details of the complaint and the mitigations put forward by the Licence Holder and their representative. As part of their deliberations they gave weight to no complaints from any passengers having been received and that amends had subsequently been made with the complainant.

The Hearing Panel resolved to take no further action in respect of the Operator Licence Renewal and issue a formal warning as to future conduct in respect of the Private Hire Licence.

Decision

The Hearing Panel resolved to take no further action in respect of the Operator Licence Renewal and issue a formal warning as to future conduct in respect of the Private Hire Licence.