

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

### **Minutes of the meeting held on Monday, 17 October 2022**

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

**Councillors:** Evans and Jeavons

#### **LACHP/20/121. 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/20/122. Review of a Hackney Carriage Driver Licence and Renewal of a Private Hire Driver Licence - MM**

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

The Licensing Unit officer addressed the Hearing Panel, stating that MM's case had been adjourned to this date due to MM partaking in Jury Service in September. This meant MM's Private Hire Licence had expired, hence it became a renewal. MM had received a conviction for an SP30 for which MM received 6 penalty points and a fine. Within the guidelines, an SP30 is classified as a major traffic offence. MM was travelling at 80mph in and 50mph zone.

The applicant addressed the Hearing Panel, informing them they had been travelling back from a family event. The journey was made in the early hours of the morning. MM's partner was unwell and had repeatedly called MM to complain of chest pains. MM wanted to get home quickly to help.

The panel questioned whether MM had considered the speed limit. MM stated they thought the road was 70mph due to being a dual carriageway. MM did not know the area they had been driving in. MM noted that they had received no previous convictions and accepted their wrongdoing in this case.

The Licensing Unit officer had nothing to add when invited by the Chair to sum up.

The applicant summed up by stating they had been a Licence holder with Manchester City Council for several years and had no previous issues or convictions. They noted they had not appeared before a Hearing Panel before but accepted their wrongdoing, informing the panel it would not happen again.

The Licensing Unit officer sought clarity on if MM had applied for the renewal of their Private Hire Driver Licence. MM confirmed they had not. The Licensing Unit officer informed the panel that, without this application, no decision would be necessary for the renewal of MM's Private Hire Driver Licence. The only decision required related to the Review of a Hackney Carriage Driver Licence.

In their deliberations, the Hearing Panel accepted that MM had no previous history and had shown remorse for their actions. The Hearing Panel accepted MM's reasons for travelling at such a high speed.

### **Decision**

To issue a warning as to future conduct.

### **LACHP/20/123. Renewal 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, informing them that a complaint had been received regarding the conduct of AK. AK had previously appeared before the Hearing Panel in May 2022, when a warning was given regarding future conduct.

The applicant addressed the Hearing Panel, stating they did not want to be in that situation again. The applicant noted they could not recall the incident in question but had apologised for it. The applicant accepted only they were at fault for their conduct but felt they had not put anyone in danger through their conduct.

The panel raised concerns with the applicant regarding their conduct, the number of complaints and the possibility that AK could not remember the incident in question due to there being that many. AK accepted they could get frustrated when driving but noted their behaviour is not like that all the time. AK did not feel their behaviour was too aggressive, noting they may have forgot the incident as frustration happened regularly, so they moved on.

The Licensing Unit officer sought clarity on if AK remembered the incident in question and if they remembered appearing before the Panel in May 2022 and providing assurances regarding future conduct. AK stated they did not remember the incident, but the Licensing Unit officer reminded AK that in August 2022, they had accepted they was the driver in question and had apologised for the incident. AK stated there are several incidents in a day, so they just move on. The Licensing Unit officer stated that their concern was that there are more incidents than are known, due to it going unreported. AK stated they could not help their frustration when the same things happen to them. AK feels that some people are aggressive towards them first. AK did recall giving assurances to the previous Panel in May 2022.

The Licensing Unit officer had nothing to add when asked to sum up.

The applicant summed up by stating they understood that it was the Panel's decision to decide if they were a fit and proper person to hold a Licence, but accepted responsibility for their actions.

In their deliberations, the Hearing Panel noted the number of complaints relating to AK's conduct. The Hearing Panel felt this showed a pattern of unacceptable behaviour and had concerns that AK did not remember the incident as there was too many to remember. The Hearing Panel noted that, by AK's own admission, they are a driver who becomes frustrated and acknowledged that AK had been before a Hearing Panel previously and their conduct had evidently not improved. The Hearing Panel also had concerns that there were more incidents of this type of conduct that had gone unreported.

### **Decision**

To refuse to renew the Private Hire Driver Licence.

### **LACHP/20/124. Renewal Application for Hackney Carriage 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 had received serious allegations against them in 2019. AK, at the time, held a Hackney Carriage and Private Hire Driver Licence. Both Licenses were suspended with immediate effect by officers, with a Hearing Panel in August 2019 confirming that decision. The Licensing Unit have received a letter issued to AK by GMP stating that the case was no longer active, and the allegations had been withdrawn. AK had not requested a renewal of their Hackney Carriage Driver Licence, but not their Private Hire.

The applicant informed the Hearing Panel that they had now been waiting for three years and wanted their Licence back.

### **Decision**

To grant the renewal.