

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

### **Minutes of the meeting held on Monday, 21 November 2022**

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

**Councillors:** Hilal and T Judge

#### **LACHP/20/125. 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/20/126. Urgent Business - Renewal of a Hackney Carriage Driver Licence - HC**

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

The Licensing Unit officer addressed the Hearing Panel, noting that the panel needed to consider the suspension of HC's Licence and a renewal of it. A serious allegation was made against HC, at which point the Licensing Unit suspended their Licence with immediate effect. A previous Hearing Panel upheld that decision, pending the outcome of the investigation. The investigation had been concluded with no further action. During the investigation, HC's Licence had expired.

HC addressed the Hearing Panel, stating this had been a vindictive allegation. HC had worked with GMP and the Licensing Unit throughout the investigation. They noted this had been 5 months which had been difficult for them.

The Licensing Unit officer questioned if the allegation was made in HC's work and noted a number of conduct related complaints on HC's record. HC stated the allegation was a domestic situation, not work related. HC accepted the number of complaints on their record and that improvement needed to be made.

In their deliberations, the Hearing Panel acknowledged that the investigation had concluded, with no further action against HC. They accepted that HC is a fit and proper person to hold a Licence.

#### **Decision**

To lift the suspension and grant the renewal.

**LACHP/20/127. Review of a Hackney Carriage Driver Licence - MY**

The Hearing Panel were informed that MY's representative was unavailable on this date. MY had therefore requested a deferral of their hearing.

**Decision**

To defer the review until 19 December 2022.

**LACHP/20/128. Review of a Hackney Carriage Driver Licence - AMA**

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

The Licensing Unit officer addressed the Hearing Panel, stating that AMA had appeared before a panel on several previous occasions relating to their conduct. This came with various actions, including warnings and suspensions, ultimately culminating in the revocation of AMA's Licence. AMA had previously re-applied for their Licence, being refused twice, and regaining their Licence in June 2022. Since then, a further complaint had been received regarding AMA's conduct. This related to a journey whereby two passengers requested to pay by card and AMA wanted cash payment. Following a debate about this, AMA was accused of using foul and abusive language towards the passengers. Statements had been received from both passengers.

The applicant addressed the Hearing Panel, stating that 99 per cent of their passengers ask at the beginning of a journey if they can pay by card. At the end of the journey in question, when AMA stated there was no card reader, the passengers had become aggressive. AMA stated they had been scared to argue back due to the number of previous complaints on their record. They noted they had been without their Licence for several years and knew they could not make more mistakes. AMA did not believe they had used foul and abusive language.

The Licensing Unit officer questioned AMA further on the events related to the complaint. AMA stated they had a card reader but sometimes the 3G network required did not work. AMA stated they had not refused to use the card reader but had tried it and it had not worked. AMA refuted the claim that they had suggested paying most of the fare in cash and some by card. AMA also refuted the claim that they had used foul and abusive language towards the customers.

The panel then sought further clarity on events. AMA stated they had told the customers the card reader was not working when arriving at their destination and it was at this point the customers offered to pay cash. AMA stated they had not then said to pay most of the fare by card and the rest by cash. AMA felt they had not argued and that the customers walked away.

The Licensing Unit officer summed up by stating that AMA had appeared before a Hearing Panel on multiple occasions, with warnings, suspensions, and an eventual revoking of their Licence. Their Licence was reissued in June 2022 and this

complaint had been received in September 2022. They noted a theme in the complaints made against AMA relating to aggressive and argumentative behaviour. The Licensing Unit officer felt AMA had not learnt lessons and had failed to modify their behaviour.

AMA summed up by stating that this had been an unfortunate situation and they were attempting to learn from the past.

In their deliberations, the panel accepted that AMA had shown no sign of learning from their previous mistakes. They felt that AMA did not want to improve and noted their appalling record. There had been a gap of a few years where AMA did not hold a Licence and it was evident to the panel that nothing had changed.

### **Decision**

To revoke AMA's licence.

### **LACHP/20/129. Review of a Private Hire Driver Licence - MI**

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

The Licensing Unit officer addressed the Hearing Panel, stating that following communication from the Local Authority Designated Officer, MI's licence was suspended with immediate effect in December 2021 due to an investigation by GMP into a serious allegation against MI. The allegations were made in relation to MI's other job role. A previous Hearing Panel, in January 2022, upheld this decision. In October 2022, the Licensing Unit received notification from MI that the case against them had been withdrawn. MI provided confirmation from GMP that there would be no further action.

MI addressed the Hearing Panel, stating that GMP had now concluded their investigation and they were waiting to get their licence back.

The Licensing Unit officer questioned if MI had returned to their other role, where the allegations had been made, and MI had also been suspended from. MI informed them that they had resigned their position but had been allowed to go back.

In their deliberations, the panel noted that the investigation had concluded with no further action. They accepted that MI is a fit and proper person to hold their Licence again.

### **Decision**

To lift the suspension with immediate effect.

### **LACHP/20/130. Review of a Private Hire Driver Licence - MAK**

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

The Licensing Unit officer addressed the Hearing Panel, stating that MAK contacted the unit in October 2022 to inform them of an SP30 conviction they had received that attracted 4 penalty points. The Licensing Unit contacted MAK for further detail, discovering they had been travelling at 40mph in a 30mph zone. This was a well-known location for speeding and the speed limit was reduced from 40 to 30mph in 2017 due to the number of accidents in the area.

MAK addressed the Hearing Panel, stating this was a route they had used on many occasions. MAK accepted they were travelling around 40mph when they were pulled over by a police car. MAK informed the panel that they had been waiting to appear in Court, in the hope that when they explained their situation, they could get some relief. Instead, the punishment increased from 3 points and £100 fine to 4 points and £290 fine. MAK accepted they had made a mistake and made the wrong choice in waiting to appear in Court.

The Licensing Unit officer sought clarity on if MAK had plead not guilty originally. MAK stated they had refused the 3 points and £100 fine as their Licence had been clear for 9 years previously so thought appearing in Court could get them relief.

The panel sought to ensure MAK understood the reasons for the drop in speed limit on that route. MAK stated they did, acknowledging it is a dangerous area and accepting the mistake they had made.

The Licensing Unit officer summed up by stating that, had MAK accepted the original 3 points, it is unlikely they would have appeared before a Hearing Panel. 3 points would be classified as an intermediate offence in the guidelines, but 4 points is classified as major.

MAK summed up by stating that they accepted their mistake.

In their deliberations, the Hearing Panel noted that the offence originally carried 3 points and that if MAK accepted that, it is unlikely they would have been before them. They also acknowledged that MAK had not appeared before a panel in their 9 years holding a Licence.

## **Decision**

To take no further action.

## **LACHP/20/131. Review of a Private Hire Driver Licence - MDW**

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

The Licensing Unit officer addressed the Hearing Panel, noting that MDW had chosen not to attend. MDW is currently under investigation by GMP for a serious allegation, therefore the Licensing Unit had suspended their Licence with immediate effect on 21 October 2022. The investigation is ongoing.

## **Decision**

To uphold the suspension, pending the outcome of the investigation and any proceedings.

### **LACHP/20/132. Review of a Hackney Carriage Driver Licence - ATN**

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

The Licensing Unit officer addressed the Hearing Panel, stating they had received a complaint regarding ATN following a journey originating from the Airport. ATN was alleged to have quoted a fixed fare, but the passenger insisted the meter was used. ATN proceeded to ignore directions given by the passenger. Calculations show that had ATN followed the passengers' directions, the cost of the journey would have been much less than the fixed fare quoted by ATN. ATN had a previous complaint regarding meter use and overcharge from 2018.

ATN addressed the Hearing Panel and stated they had not quoted a fixed fare and the passenger had not stated their preference of a route. ATN stated they would always take the safest route. ATN noted they had only been directed by the passenger when getting closer to their destination.

The Licensing Unit officer questioned why the complaint had been made if ATN's version of events were accurate. ATN was unsure but noted the complainant was the child of another Hackney Carriage Driver whose friend ATN had an argument with a few days before this. ATN stated they had not asked for a fixed fare that would have been an overcharge. ATN took the safest route after there had been no request from the passenger to follow a particular route.

The panel sought clarity on if the meter was used straight away and if ATN knew the passenger. ATN stated the passenger entered the vehicle, told them their destination and that was when ATN started the meter and set off. During the journey, ATN had asked for assistance with directions. ATN did not know the passenger at the time but came to know after the journey.

The panel's legal advisor sought clarity on the previous complaint on ATN's record regarding another instance of fixed fare. ATN noted they had been struggling with their meter at the time. ATN informed the customer of this and asked them to pay what they thought, which they did.

In their deliberations, the panel noted that ATN had been a driver for 16 years, with only one complaint against their record. They accepted that ATN was a fit and proper person to hold a Licence, however, were concerned that both complaints made against ATN were about the same issue.

## **Decision**

To issue a warning as to future conduct.

**LACHP/20/133. Application for a New Private Hire Driver Licence - NS**

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

The Licensing Unit officer addressed the Hearing Panel, informing them that NS had applied for their Private Hire Driver Licence in June 2022. This application required a DBS which showed convictions for a drug offence and a Public Order Offence.

The applicant addressed the Hearing Panel, stating that the offence had happened several years ago due to NS losing their job and needing money to pay their bills. NS stated they had not wanted to get involved. After spending some time in prison, NS came out and got a job.

The Licensing Unit officer sought further information on the drug offence conviction. NS stated they were not forced by anyone to get involved but they had bills to pay and was struggling to find work. NS accepted it was the wrong decision. NS had served 3 months of their 6 months sentence. NS wanted to become a Private Hire Driver to provide them with flexibility to work around their lifestyle. NS does currently have a job.

The panel questioned how long NS had been working. NS stated that they had been in their current job since June 2022 but prior to that, had been in employment for 6 years before being made redundant.

The applicant summed up by reiterating that they had been working since their release from prison. NS reiterated they wanted a job role with flexibility.

In their deliberations, the Hearing Panel noted that NS had shown a record of employment since leaving prison. They noted that NS had no further convictions since their release. The Hearing Panel noted the guidelines that state: "An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5-10 years prior to the date of application. After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence." The Hearing Panel were satisfied that 5 years had passed and deemed NS to now be a fit and proper person to hold a Private Hire Driver Licence.

**Decision**

To grant the Private Hire Driver Licence.