

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

### **Minutes of the meeting held on Monday, 19 December 2022**

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

**Councillors:** Connolly and Reid

#### **LACHP/20/135. 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/20/136. Review of a Hackney Carriage Driver Licence - SHJ**

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

The Licensing Unit officer addressed the Hearing Panel, noting there had been an altercation at Manchester Airport between SHJ and another driver. Manchester Airport had informed the Licensing Unit of this and provided CCTV, with the footage seen by the Hearing Panel prior to the hearing. The Airport had completed an investigation, initially banning SHJ from working there for life but this was reduced to an 8-week suspension on appeal.

SHJ's Trade Union representative then addressed the Hearing Panel, accepting the altercation had taken place. It was felt that this was a coming together between 2 drivers that had escalated. The 8-week suspension was for a breach of the code of conduct, not for physical violence. It was noted that SHJ had a relatively good record over the number of years they had held a Licence.

SHJ addressed the Hearing Panel, stating they had wished they had not got involved and they regretted their actions. They accepted they should have ignored the situation and stated it would not happen again.

The Licensing Unit officer questioned a statement made by SHJ referencing self-defence and whether SHJ accepted they should have walked away. SHJ felt their actions were self-defence, but their Trade Union representative felt this word was used as a common term. SHJ did accept they should not have got involved.

The panel questioned if SHJ disputed that injuries were sustained and punches were thrown. SHJ stated they had only pushed the other driver; no punches were thrown,

and no injuries sustained. SHJ accepted this was still not acceptable behaviour. SHJ stated this would not happen again.

SHJ's Trade Union representative summed up by stating that this was an isolated incident that SHJ had confirmed would not happen again.

### **Decision**

To issue a warning as to further conduct.

### **LACHP/20/137. Review of a Hackney Carriage Driver Licence - BI**

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

The Licensing Unit officer addressed the Hearing Panel, stating that this was a renewal of a Hackney Carriage Driver Licence rather than a review. BI had stated they had no recent convictions on their renewal application form, however additional checks (DVLA Summary) showed an IN10 conviction, no insurance. A further investigation into this noted that this was from a ply for hire conviction and the associated no insurance. This case was heard at the Magistrate's Court in 2021 and BI plead guilty to both charges.

BI accepted this had happened. BI had been approached for a journey to a destination they were heading to. BI accepted this was wrong and that they made a mistake.

### **Decision**

To renew the Hackney Carriage Driver Licence.

### **LACHP/20/138. Review of a Private Hire Driver Licence - ODD**

The Hearing Panel were informed that ODD could not attend the hearing on this date and had therefore requested a deferral.

### **Decision**

To defer to a later date.

### **LACHP/20/139. Review of a Private Hire Driver Licence - BS**

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

The Licensing Unit officer addressed the Hearing Panel, stating that BS had informed them of a SP30 which attracted 3 penalty points and a fine. BS had been before a Hearing Panel in July 2022 following disqualification for TT99, 'totting up'. The Licensing Unit had brought BS back before the Hearing Panel to consider the case due to how close together the incidents are.

BS's agent addressed the Hearing Panel, noting that the disqualification came from 4 intermediate speeding offences. Two occurred in 2018 and two in 2019, with a delay in the case being heard by the Courts. BS's agent noted that whilst the SP30 was close to the disqualification, around 10 months, the last offence that led to disqualification had happened 3 years prior.

The Hearing Panel noted that there was clearly a pattern of speeding from BS that they had not learnt from.

The Licensing Unit Officer summed up by stating that the Hearing Panel were to consider the most recent SP30 and BS's overall driving record.

### **Decision**

To issue a warning as to future conduct.

### **LACHP/20/140. Review of a Hackney Carriage Driver Licence - FM**

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

The Licensing Unit officer addressed the Hearing Panel, stating they had been informed by GMP that FM was under investigation for a serious allegation. Following notification, the Licensing Unit suspended FM's licence with immediate effect. The investigation was ongoing.

FM described to the Hearing Panel what had happened that led to this serious allegation. They informed the Panel that they had been arrested the following day and that the investigation was ongoing. FM was on bail until February 2023, with conditions.

The Hearing Panel and the Licensing Unit Officer asked further questions of FM regarding the incident.

In their deliberations, the Hearing Panel noted that one of FM's bail conditions was not to carry passengers, for fare or otherwise, whilst acting as a taxi driver.

### **Decision**

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

### **LACHP/20/141. Review of a Hackney Carriage Driver Licence - MY**

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer, MY and their Trade Union representative. MY was also supported by and interpreter.

The Licensing Unit officer addressed the Hearing Panel, stating that MY had a conviction under the Hackney Carriage By-Laws, relating to an overcharge by not utilising the meter. This case was heard in a Magistrates Court in August 2022 and MY plead guilty. There had also been a complaint made regarding MY's conduct in March 2022 and January 2020.

MY's Trade Union representative noted that MY had plead guilty in the Magistrates Court. They stated there was no dispute the meter had not been used but believed it happened a lot across the city. They noted it was not a regular occurrence for such a matter to go to court.

### **Decision**

To issue a warning as to future conduct.