

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 23 January 2023

Present: Councillor Andrews – in the Chair

Councillors: Evans and Hilal

LACHP/23/1. 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/23/2. Application for a New Private Hire Driver Licence - NA

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

The Licensing Unit officer addressed the Hearing Panel, stating that this was a new application for a private hire licence. NA had previous historical motoring convictions outside the guidelines but added that there were other matters to consider. NA had previously had a licence suspended in 2015 due to a very serious allegation. This was not proven at court and the licence was restored. In 2016, another incident was reported whereby the Police had been alerted to a 14-year-old female wandering the lanes of the East Lancs carriageway in pyjamas. NA had been at the scene and stopped to speak to the young female who wanted to go to Southampton. The police had stopped NA in their licensed vehicle, carrying the female, and it was noted that AN had the city of Southampton programmed into the SatNav. The Licensing Unit Officer confirmed that the female was in care and had transferred from Southampton to Salford.

NA's representative addressed the Hearing Panel and gave a brief background of NA stating that they were born in Afghanistan and arrived at the age of 17 into the UK. NA was married with 4 children. NA had no convictions and had always acted impeccably. There had been a serious allegation levelled at NA but they had not been convicted. NA did have current employment but was seeking to rejoin the taxi trade as their spouse had become ill. Regarding the incident that had brought the matter in front of the Hearing Panel today, NA was returning home when they noticed a female in the middle of the road who was a danger to herself and others. NA stopped to speak to the female who said she needed a lift. When NA inputted the address requested by the female the SatNav showed the address as being located in Southampton. NA drove off with the female in the back of the taxi but in the opposite direction to the SatNav's instructions as NA had to complete work and get home. NA

was then stopped by the Police who had been alerted by other passersby on the East Lancs. NA stated that they were not going to drive to Southampton as it was the end their shift and this would be a 200+ mile long journey and NA had told the female that he could not take her. NA had been honest with the Police when they had stopped them, proven by the fact that they had released NA after making checks. Furthermore, the female had made no negative comments on NA's conduct to the Police.

NA addressed the Hearing Panel and stated that he had offered to drop the female at Chorlton Street bus station in the city centre and this was the direction they were travelling in when the police had flagged them down. The female was begging and crying and NA was trying to help.

The Licensing Unit Officer asked if the female had requested being taken to Southampton and NA stated that she gave them the address of where she wanted to go and that this was in Southampton.

The Licensing Unit Officer asked if NA should have contacted the authorities instead.

NA agreed that they should have done so and admitted that it was a mistake.

The Hearing Panel asked why it had not occurred to NA to contact anyone about the situation they found themselves in and the distress that a young female was in.

NA stated that they could only drop her at the bus station as requested and noted that she appeared to be of adult age.

The Hearing Panel stated that age wasn't an issue when someone was clearly in distress and vulnerable.

In their deliberations, the Hearing Panel considered that NA had not acted properly and that offering to take a young, lone female to a bus station in pyjamas with no money was placing a vulnerable person in more danger. Due to this the Hearing Panel did not find NA to be a fit and proper person to be taking passengers.

Decision

To refuse to grant the licence.

LACHP/23/3. Review of a Private Hire Driver Licence - AM

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

The Licensing Unit officer addressed the Hearing Panel, stating that AM had informed the Licensing Unit in December 2022 of an MS90 offence, which occurred in Tameside on 6 December. AM incurred 6 points and a £250 fine for speeding. Further details on the incident were available for the Hearing Panel at 3.2 of the printed report.

AM's representative addressed the Hearing Panel and stated that AM accepts their mistake but had not acted dishonestly. AM had not received the 1st letter concerning a speeding incident which had occurred in AM's registered vehicle. When AM became aware of the incident, the letter was passed their spouse who stated that their sibling had been driving at the time of the offence. AM completed their section of the form and handed this to the spouse's sibling to complete and send off. The form was not received by the authorities and AM was then charged with an MS90, failure to provide details on the identity of a driver. AM took responsibility in court and is a fit and proper person to own a licence in Manchester. AM has no other convictions and AM's taxi work is the family's main income.

The Legal advisor to the Hearing Panel noted that the Hearing Panel cannot take personal circumstances into consideration when deliberating.

The Licensing Unit officer asked if AM was aware that any matter's pertaining to his registered vehicle are his responsibility to see through to completion.

AM's representative confirmed that AM now knows this.

In their deliberations, the Hearing Panel considered that AM had no prior convictions and could therefore depart from their guidelines.

Decision

To issue a warning as to further conduct.

LACHP/23/4. Review of a Private Hire Driver Licence - ODD

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

The Licensing Unit officer addressed the Hearing Panel and stated that the review of ODD's licence was for an IN10 offence, using a vehicle against third party risks. The Licensing Unit do routine sweeps of DVLA records and discovered the offence in November 2022. When ODD was asked about this, they had stated that they are not a current driver. ODD should still notify the Licensing Unit but had not. The offence falls within the guidelines for a further month.

ODD addressed the Hearing Panel and stated that he did not disagree with the Licensing Officer's comments and confirmed that they were not working as a taxi driver for some time and wasn't aware that there was an expectation to tell the Licensing Unit while he was not working in the taxi trade.

The Chair asked ODD why they had driven without insurance.

ODD responded, stating that they did not know that the insurance had expired on the vehicle they were driving.

The Licensing Unit Officer asked if ODD was working in the taxi trade currently.

ODD stated that they were not, that they were currently doing support work and added that the pandemic was bad for the taxi trade, so they had sought other employment.

A Hearing Panel member asked ODD if they had not been informed that they needed to renew by their insurance company.

ODD stated that they did not recall receiving any letters, texts or calls.

The Chair asked if ODD had any intentions of returning to the taxi trade.

ODD stated that they did intend to re-start as a taxi driver.

In their deliberations, the Hearing Panel considered that this was an isolated incident, allowing them to depart from the guidelines.

Decision

To attach a warning to ODD's licence.

LACHP/23/5. Renewal of a Private Hire Driver Licence - TG

The Hearing Panel were informed that TG was unwell, unable to attend and had provided the Licensing Unit with a sick note.

Decision

To defer the hearing until the next available date.

LACHP/23/6. Review of a Private Hire Driver Licence - MQ

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

The Licensing Unit Officer addressed the Hearing Panel and stated that MQ had been convicted for a Plying For Hire offense at court in February 2022. MQ had been referred to the Hearing Panel and appeared in March 2022 but there was some confusion over what MQ had appealed against, the offense or the 3 month disqualification. MQ had appealed against both in November 2022, the conviction appeal had been dismissed and MQ was given 8 penalty points but the suspension was lifted and they were allowed to work again. This conviction is now almost 12 months old and the Hearing Panel are to make a decision on MQ's licence today.

MQ addressed the Hearing Panel and stated that there was no malicious intent in delaying the matter, explaining they had been ill for some time. In March 2022 MQ had requested that the disqualification be set aside, asked the Licensing Unit to lift the ban and MQ has reassured the Unit that they are sorry for what had happened. At the court hearing MQ stated they had expressed that they shouldn't have been where they were at the time of the PFH incident.

The Licensing Unit Officer asked MQ if they accepted they had plied for hire on the night in question.

MQ stated that they couldn't prove their innocence but accepted the decision handed down.

The Licensing Unit Officer noted that MQ had made a not guilty plea and asked again if they accepted that they had plied for hire.

MQ stated that they went through a lot, had regrets and shown remorse.

The Licensing Unit Officer requested that the Hearing Panel consider the Crown Court decisions in the report when making their deliberations.

In their deliberations, the Hearing Panel took a serious view of MQ's convictions, considered the guidelines for this offense and noted that MQ avoided stating whether they accepted they had plied for hire.

Decision

To suspend MQ's licence for a period of 3 months.

LACHP/23/7. Application for a New Private Hire Driver Licence - ACTM

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

The Licensing Unit officer addressed the Hearing Panel, stating that ACTM had applied for a new Private Hire Driver Licence. There was nothing stated on their application for convictions and, on checking their DBS, the Unit had discovered that ACTM had been convicted of kidnapping in 2015 and served 2 years in prison.

ACTM addressed the Hearing Panel and explained that they had a new property at the time and were making renovations and improvements. A plumber had taken money from ACTM and a friend had asked them why the house wasn't completed. The friend said they would get the plumber to come back whereby ACTM had the plumber in a vehicle driving around in an attempt to get money back. Later on they stopped by a school to collect ACTM's friend's child and then went to a police station to solve the matter. ACTM had previously been at the police station to complain about the plumber. ACTM stated they had not planned to do anything bad against the plumber.

The Licensing Unit officer asked ACTM if they had given a guilty plea. ACTM stated that their friend had, that they didn't intent to but didn't want to let their friend down so did.

The Licensing Unit officer asked if they had both had the same sentence and ACTM stated that they had.

On being asked for further details on the journey, ACTM state that they had driven around for 2/3 hours, then collected the child, then stopped for while to discuss and finally went to the police station. The victim had then complained of the ordeal to the police and ACTM and their friend had been detained.

During further questioning, ACTM explained that there did not appear to be a selection that specified "kidnaping offence" on the application, disputed that they had driven the victim around to obtain money and stated that the police were incorrect in their version of events.

In their deliberations, the Hearing Panel considered that ACTM was not a fit and proper person, that this was a very serious offence and that the offence was still within the guidelines.

Decision

To refuse to grant a licence to ACTM.

LACHP/23/8. Review of a Private Hire Driver Licence - MMUR

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

The Licensing Unit officer addressed the Hearing Panel, stating that there was an additional conviction to add to the report as MMUR had a new traffic conviction handed down on 11 January 2023 incurring 4 points and a fine of £266. Previously, as per the report, MMUR had similarly not declared another speeding matter. MMUR now had 8 points on their licence.

MMUR addressed the Hearing Panel and stated that they did not know that they had to inform the Unit of these offenses. MMUR had completed the letter late after the deadline due to having Covid and a sick father to attend to.

The Licensing Unit Officer asked MMUR what speeds they had been doing when caught and MMUR stated that they had been caught doing 70 on a stretch of motorway that was a 50 zone and also doing 40 in a 30 zone.

MMUR confirmed that they had been offered a fixed penalty for both incidents and missed the deadline, incurring an extra point on their licence each time and that they had been driving their taxi at the time but without any passengers on board.

In their deliberations, the Hearing Panel considered that MMUR had been careless but felt that they had learned their lesson being only 4 points away from a driving ban.

Decision

To attach a warning to MMUR's licence.