

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 20 March 2023

Present: Councillor Andrews – in the Chair

Councillors: Hassan and T Judge

LACHP/23/23. 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/23/24. Application for a New Hackney Carriage Driver Licence - NHK

The Hearing Panel considered a written report from the Director of Planning, Building Control and Licensing. In line with the established procedure for such hearings, oral accounts were also made by the Licensing Unit Officer, the Licence Holder with the assistance of an interpreter provided by the Council. Those representations were also considered.

In reaching its decision, the Hearing Panel took into consideration the Statement of Policy and Guidelines. The Panel noted that only 4 months had elapsed since the Crown Court finding that the Applicant was not a fit and proper person, and that a further complaint of overcharging had been received whilst the Applicant was undergoing the appeal process at the Crown Court. The Panel was therefore not persuaded by his representations that he was now a fit and proper person. It concluded that there had not been a sufficient period of rehabilitation/ time since the Crown Court finding, and the application for a hackney carriage drivers' licence was therefore refused.

Decision

To refuse the application for a new hackney carriage driver's licence

LACHP/23/25. Application for a New Hackney Carriage Driver Licence - ADS

The Hearing Panel was notified that the Applicant was not able to attend the hearing due to his daughter's hospital appointment.

After careful consideration, the Panel agreed to defer the matter to the next scheduled hearing dates.

Decision

To defer the matter to the schedule for 17 April 2023.

LACHP/23/26. Review of a Private Hire Driver Licence - YK

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. In line with the established procedure for such hearings, oral accounts were also given by the Licensing Unit Officer and the Licence Holder who was unrepresented at the hearing. Those representations were also considered.

In reaching its decision, the Hearing Panel took into consideration the Statement of Policy and Guidelines as well as the relevant statutory guidance. The Panel noted the seriousness of the allegations made against the Licence Holder and took the view that the seriousness of the allegations posed a risk to the public. The Panel resolved that the Licence Holder did not currently meet the definition of a fit and proper person and agreed to suspend the licence pending the outcome of criminal proceedings due to conclude in 2024.

Decision

To suspend the Private Hire Driver Licence.

LACHP/23/27. Review of a Private Hire Driver Licence and Review of a Hackney Carriage Driver Licence - SASH

A Panel Member declared that the Licence Holder was known to him. For the avoidance of any arising conflict of interest, the matter was deferred to the next scheduled hearing date in order that a Panel that was not known to the Licence Holder could be constituted.

Decision

To defer the matter to the schedule for 17 April 2023.

LACHP/23/28. Application for a New Hackney Carriage Driver Licence - YF

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. In line with the established procedure for such hearings, oral accounts were also given by the Licensing Unit Officer and the Licence Holder who was unrepresented at the hearing. Those representations were also considered.

In reaching its decision, the Hearing Panel also took into consideration the Statement of Policy and Guidelines and the relevant statutory guidance. After careful consideration, the Hearing Panel concluded that the offence had been of a serious nature, noting the length of sentence imposed by the Crown Court.

The Panel noted that the offence fell within the guidelines and resolved that there an insufficient period of time had elapsed since the conviction for the Panel to be satisfied that the Applicant was yet a fit and proper person. The Panel also took into

consideration that the Applicant had failed to declare the conviction, of which it took a dim view. The Panel was therefore satisfied that the Applicant was not a fit and proper person.

Decision

To refuse the application for a Hackney Carriage Driver Licence.