

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 17 April 2023

Present: Councillor Grimshaw – in the Chair

Councillors: Hilal and Hughes

LACHP/23/32. 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/23/33. Review of a Private Hire Driver Licence - FJI

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

The Licensing Unit officer addressed the Hearing Panel, stating that a renewal application had been submitted by FJI in August 2022. That renewal application had declared a pending matter for common assault and the licence was renewed pending the outcome of the investigation. FJI had since been found guilty, with the sentence recently issued for a 12-month community order, with 240 hours of unpaid work.

FJI addressed the Hearing Panel, stating that they were ashamed of what had happened and did not know how the incident came to that point. They noted there had not been an incident like this before.

During questioning from both the Licensing Unit officer and the panel, FJI provided further details regarding the incident. FJI disputed that an assault had taken place but accepted they had been found guilty of this. FJI accepted that there had been an incident of common assault a number of years ago, after the panel noted this was not an isolated incident. FJI told the panel that they were not a violent person. FJI provided clarity on their bail conditions to the panel.

The Licensing Unit officer summed up by stating that FJI had plead not guilty to the offence but was subsequently found guilty. The Licensing Unit officer noted that the sentence given was towards the maximum of what the magistrates could sentence.

FJI summed up by stating that they were sorry for what had happened and told the panel they had been suffering since the incident. FJI took responsibility for what had happened. FJI noted that they had been a private hire taxi driver for a number of years, without any incidents with the public.

In their deliberations, the panel accepted that FJI had stuck to their bail conditions. The panel felt that FJI had shown remorse for the incident. For those reasons, the panel felt they were able to depart from the guidelines.

Decision

To suspend the Private Hire Driver Licence for one month.

LACHP/23/34. Application for a New Private Hire Driver Licence - ZAC

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

The Licensing Unit officer addressed the Hearing Panel, noting that the application was a new one. On the application, ZAC had declared two motoring convictions, both for mobile phone use in 2021. The first conviction attracted 3 points and fell outside the guidelines, whilst the second conviction attracted 6 points which was considered a major offence and therefore was considered within the guidelines.

The panel sought clarity on how many points ZAC had on their driving licence. The Licensing Unit officer confirmed it to be 9.

ZAC addressed the Hearing Panel, stating that their family had previously ran a taxi company in Stockport. ZAC stated they had lost their mum and uncle in 2021 but accepted that was no excuse for mobile phone use whilst driving. They informed the panel that they had been licensed by Stockport since 2006 and had yet to be called before a Sub-Committee in that time. ZAC felt embarrassed about the convictions and the necessity to be before a Sub-Committee. ZAC took three months off work in 2022 to grieve properly. ZAC noted they still hold their Stockport licence.

The panel sought clarity on if ZAC would give up their Stockport licence if one was issued by Manchester and the number of points on their driving licence. ZAC stated they would give up their Stockport licence if one was issued by Manchester and confirmed they had 9 points on their driving licence.

The Licensing Unit officer questioned if Stockport's Licensing Unit had been informed of the convictions. ZAC stated they were aware but had not taken any action.

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

ZAC had nothing to add when invited to sum up by the Chair.

Decision

To grant the licence with a warning as to future conduct attached.

LACHP/23/35. Application for a New Hackney Carriage Driver Licence - ADS

The Hearing Panel were informed by the Licensing Unit officer that ADS had failed to attend the hearing. The Licensing Unit officer noted that they had written to ADS ten days ago confirming the hearing date and had confirmed via telephone on 12 April 2023. The application had been deferred a month prior. The Licensing Unit officer stated that as this was a new application, there would be no negative impact of deferring for a second time.

Decision

To defer to Monday 15 March 2023.

LACHP/23/36. Review of a Private Hire Driver Licence and Review of a Hackney Carriage Driver Licence - SASH

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

The Licensing Unit officer addressed the Hearing Panel, noting the review was for both a Private Hire and Hackney Carriage Driver Licence. The Licensing Unit had requested a DVLA summary from SASH that was provided on 23 January 2023. The summary highlighted three SP30 convictions, but the Licensing Unit had only been made aware of one. The Licensing Unit officer noted that it is a requirement on both License's to disclose convictions to them.

The panel sought clarity on the number of points SASH had on their Licence. The Licensing Unit officer confirmed SASH had 9 points. They noted that the SP30 conviction from 2021 had been disclosed to them and SASH received a written warning.

SASH addressed the Hearing Panel, noted they had been a licensed driver for around 22 years. SASH accepted they had let themselves down by not informing the Licensing Unit office of the convictions.

The Licensing Unit officer sought clarity on whether SASH understood the need to disclose convictions to the Licensing Unit and if they knew of the offence on 16 January 2022 when they submitted their application. SASH stated they did know to disclose convictions to the Licensing Unit but accepted it was their human error that led to this not having happened. SASH was aware of the 16 January 2022 offence when submitting their application and did not know why they had not put this on the application.

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

SASH summed up by stating that they were sorry and that it would not happen again.

Decision

To issue SASH with a warning as to future conduct on both licenses.