

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Tuesday, 11 December 2018

Present: Councillor Ludford (Chair) – in the Chair

Councillors: Chohan, Hassan and S Lynch

Apologies: Councillor C Paul

LACHP/18/106. Exclusion of the Public

A recommendation was made that the public is excluded during consideration of the 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/18/107. Application for a New Private Hire Driver Licence (SS)

The Committee was advised that the Applicant required the services of an Interpreter to assist at the hearing.

Decision

To defer the Application until the 14th January 2019.

LACHP/18/108. Application for a review of a Hackney Carriage Driver Licence and a Private Hire Driver Licence (RAQ)

The driver attended the hearing along with family members.

The Committee heard from the Licensing Officer that the driver was currently the subject of court proceedings and charged with offences of common assault and s39 assault. It was also advised that there was an allegation of historic rape which was currently under investigation by the CPS and that a Domestic Violence Protection Order had been issued by the Court banning him from the matrimonial home.

The Committee were advised that the driver had been suspended with immediate effect.

The driver accepted that such proceedings were ongoing but stated that the allegations made were false and requested that the Committee pay little weight to the charges and current investigation. He claimed that the allegations had been made by his current wife who had an ulterior motive for reporting the alleged offences to GMP.

Whilst the Committee acknowledged the driver's comments that the allegations were false it took a serious view of the offences and felt it appropriate to suspend the licences pending conclusion of the investigation / court proceedings, especially in view of the fact that the Court imposed an Order excluding the driver from the matrimonial home.

It felt that there was a need to take such steps to safeguard public safety.

Decision

Suspend both his Hackney Carriage and Private Hire Licence with immediate effect pursuant to s 61(1)(b) and s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, in the interests of public safety, until the outcome of pending criminal investigations and any court proceedings.

(Councillor Chohan declared a personal interest in this matter and withdrew during the discussion and decision. Councillor Hassan replaced him for this item)

LACHP/18/109. Application for a review of a Private Hire Driver Licence (RFJ)

The driver failed to attend and after being satisfied that he was aware of the hearing Committee decided to proceed with the matter in his absence.

The Committee was advised that there were two investigations currently ongoing for plying for hire / no insurance offences.

In addition, it noted the contents of a referral made by GMP that the driver had been spoken to about an incident on the 21st September 2018 in which the driver was observed with an intoxicated female sat in the front of his vehicle and a resultant search of the vehicle discovered condoms and sexual enhancement pills.

The Committee were extremely concerned about two ongoing investigations concerning plying for hire and associated no insurance offences. It was also concerned about public safety issues after being advised about the behaviour of the driver in allowing a lone intoxicated female to be in the front of his vehicle without satisfactory explanation. It found it disturbing that GMP had discovered condoms and sexual enhancement pills in the vehicle and questioned why such items should be in the vehicle.

Decision

To suspend his Private Hire Licence with immediate effect pursuant to s61 (1)(b) and s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, in the interests of public safety, pending the determination of the matter at a future hearing of the Licensing and Appeals Sub-Committee.

LACHP/18/110. Application for a review of a Private Hire Driver License (AS)

The Committee was advised that the driver had been suspended following information received that he had been arrested in October 2018 following allegations of sexual assault and rape of a girl under the age of 13.

The Committee was advised that police investigations were currently ongoing with forensic results awaited.

The Committee was made aware that the alleged victim was the driver's daughter who had reported the matter to GMP.

The Committee was extremely concerned about the allegations being investigated and felt that it was appropriate in the circumstances to suspend the licence with immediate effect. The Committee's primary concern is the protection of the public and this was uppermost in its mind when deciding upon what action to take.

Decision

To suspend his Private Hire Licence with immediate effect pursuant to s 61(1)(b) and s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, in the interests of public safety, until the outcome of pending criminal investigations and any court proceedings.

LACHP/18/111. Application for a review of a Private Hire Driver Licence (ZM)

The driver failed to attend and the Committee decided to proceed with the matter in his absence.

The Committee was made aware of a complaint of sexual assault in October 2017. An allegation of rape was made by a female passenger whilst in the driver's vehicle and the Committee heard that proceedings are currently ongoing. The Committee was advised that the driver had accepted that sex had taken place but claimed that it was consensual.

The Committee felt it appropriate to suspend his licence with immediate effect whilst investigations are ongoing. Protection of the public is the primary function of the Committee and this was the overriding consideration when the Committee made its decision.

Decision

To suspend his Private Hire Licence with immediate effect pursuant to s 61(1)(b) and s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, in the interests of public safety, until the outcome of pending criminal investigations and any court proceedings.

LACHP/18/112. Application for a review of a Private Hire Driver Licence (MK)

The driver attended and the Committee was made aware that the driver had been convicted of plying for hire and no insurance on the 21st June 2018 after taking a fare that was not pre-booked in October 2017.

The Committee heard from the driver that he had pleaded guilty to the offence at the earliest opportunity but that he had accepted plying for hire on previous occasions which he had done out of necessity when short of money. This appeared to have

been supported by the fact that a complaint had been received on the 21st September 2017 that he had been observed at Manchester Royal Infirmary touting for business.

It was pointed out to committee that only hackney carriage vehicles were entitled to ply for hire and that they paid increased fees for such a privilege.

Committee noted that the conviction was recent and saw no reason to depart from its' guidelines. It viewed the offence of plying for hire and driving without insurance extremely seriously and was satisfied that , after consideration of all representations, that the Applicant was no longer a fit and proper person to hold a licence.

Decision

To revoke the licence with immediate effect.

(Councillor Chohan declared a personal interest in this matter and withdrew during the discussion and decision. Councillor Hassan replaced him for this item)

LACHP/18/113. Application for a review of a Private Hire Driver Licence (ML)

The Driver failed to attend and the Committee decided to proceed with the hearing in his absence.

Committee was advised that the driver had pleaded guilty to drink driving on the 23rd July 2018 and disqualified from driving for 36 months.

Committee saw no reason to depart from its guidelines and felt it appropriate to revoke his licence.

It was satisfied that the driver was not a fit and proper person to hold a drivers licence.

Decision

To revoke the licence with immediate effect.

LACHP/18/114. Application for a review of a Hackney Carriage Driver Licence and a Private hire Driver Licence (SH)

The driver failed to attend and the Committee made the decision to proceed with the matter in absence.

The Committee heard that there was an ongoing investigation concerning allegations concerning the possession and distribution of indecent images of children and that the driver had been arrested by GMP and remanded on police bail until September 2019.

The Committee felt it appropriate to suspend his licences with immediate effect whilst investigations are ongoing. Protection of the public is the primary function of the Committee and this was the overriding consideration when the Committee made its decision.

Decision

Suspend both his Private Hire and Hackney Carriage Licences with immediate effect pursuant to s 61(1)(b) and s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, in the interests of public safety, until the outcome of pending criminal investigations and any court proceedings.

LACHP/18/115. Application for a review of a Hackney Carriage Driver Licence and a Private Hire Driver Licence (MIJ)

The driver attended and the Committee was advised that his licence was under review as a result of him being disqualified from driving.

A 6 month disqualification was imposed by the Courts when it became apparent that he had a number of speeding offences that had resulted in a “totting up” conviction.

The driver stated that the navigation system of his vehicle had contributed to him exceeding the speed limit.

Committee were extremely concerned at the number of speeding offences that had occurred within the past 12 months and felt that there was no excuse for repeatedly exceeding the speed limit .

Committee saw no reason to depart from its guidelines and felt that the driver was not a fit and proper person to hold a drivers licence.

Decision

To revoke with immediate effect both his private hire and hackney carriage drivers licences.