

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Tuesday, 2 October 2018

Present: Councillor Ludford– in the Chair

Councillors: Jeavons and S Lynch

LACHP/18/78. 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/18/79. Application for a new Hackney Carriage Drivers Licence (AMA)

The Applicant attended and was not legally represented.

The Committee listened to representations from the Principal Licensing Officer from the Licensing Unit and from the Applicant.

The Committee was made aware the Applicant had previously been granted a Hackney Carriage Licence between 2010 and 2016. During this period he had received seventeen complaints relating to his conduct.

He had been referred to the sub-Committee as a result of this and his licence suspended for a period of 21 days. he was referred back in 2016 whereupon he received a warning regarding his conduct and again in 2016 due to a continuation of the same conduct resulting in the revocation of his licence.

In 2017 he submitted an Application for a Hackney Carriage licence which was refused.

A schedule detailing the complaint history and responses was annexed to the Application for the information of the Committee.

The Applicant advised the alleged complaints were not made up of anything serious or violent and often was as a result of misunderstandings and sometimes a language barrier.

He was asked questions regarding the complaints but the Committee were of the opinion the Applicant was evasive and when pressed further minimised or disputed his involvement as follows. -

15.9.11 He accepted he was driving and that he was a new taxi driver at that time and not necessarily familiar with all of the routes.

8.12.11 Accepted he was driving but doesn't remember the incident.

24.1.12 Accepted he was driving but disputed spitting. He stated the female requested a lift to Rochdale Road and told him to drop her in the Crown Plaza Car Park – he stated she was malicious, told him she had family in the Town Hall unit, he would lose his licence and have to go back to where he came from. He denied spitting on her.

26.3.13 Accepted he was driving but disputed making any discriminatory comments stating he was being ironic.

2.5.13 Accepted this was him.

13.5.13 Disputes this was him. States it was a family member who was driving.

11.6.13 Accepted he was driving. Couldn't find receipts.

30.6.13 Disputes this was him.

9.7.13 Accepts this was him. Initially he stated he didn't smoke. He then accepted he had paid the FPN and did smoke but was not a chain smoker. The Applicant stated it was unfortunate because he had taken a cigarette from a friend and got into and driven his cab. He finally accepted he had been smoking.

15.11.13 Denied it was him.

22.12.14 Disputed it was him.

7.4.15 Disputed this was him.

8.9.15 Accepted this was him and there had been an issue regarding the 40p barrier charge but maintained he had explained this to the passenger.

7.3.16 Disputed this was him.

10.3.16 Accepted he was the driver but disputed the conduct.

The Applicant submitted a certificate regarding a course completed in Equality & Diversity in the Workplace. This was completed in April 2018 (BTEC).

He submitted a medical examination form which stated he had previously been anxious, he was now more settled and had developed a fine temperament.

The Applicant stated he had not had any complaints in the last two years but accepted he had not been driving as a taxi or private hire driver during that period. The Applicant also said the last 28 months had impacted on him and his family as he had difficulty finding a job.

The Applicant was advised that the burden was on him as an Applicant to show the Committee he was a fit and proper person to hold the licence.

When considering their decision, the Committee paid no regard to the previous Committee decisions or evidence but viewed this as 'de novo'.

The Committee took the view the Applicant had minimised his involvement in previous incidents and taken no responsibility. They were concerned he did not view any of them as 'serious' in the context they were made. In addition the Applicant contradicted himself during the presentation of his evidence and questioning and they were of the opinion the Applicant had not shown any insight in to his behaviour/conduct and had not satisfied them he was a fit and proper person for the purposes of holding a Hackney Carriage licence.

Decision

To refuse to grant the application.