

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 10 July 2023

Present: Councillor Andrews – in the Chair

Councillors: Hughes and Judge

LACHP/23/66. 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/23/67. Review of a Hackney carriage driver licence - SMHR

The Licensing Unit officer informed the Hearing Panel that SMHR was out of the country and due to return mid-October 2023.

Decision

To defer the hearing until SMHR was available to attend.

LACHP/23/68. Review of a Private hire driver licence and a Hackney carriage driver licence - KA

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

The Licensing Unit officer addressed the Hearing Panel, stating that KA had a customer complaint regarding honesty and conduct. KA had collected a passenger in Manchester City Centre who drunkenly asked to go home and gave their London postcode. KA asked for £666 (which the Licensing Officer confirmed was a fair price for this journey). After some time the passenger realised their mistake and requested to go to their hotel in Manchester. KA returned to Manchester with the passenger who had already paid the fare up-front. The Licensing Officer claimed that there had been no offer of a refund to the passenger who submitted a complaint 4 weeks later. A Licensing Officer had spoken with KA who stated that they had got as far as Wolverhampton when the passenger realised they were not going to their hotel. It was considered that KA could not have driven this far south in a 1-1 and a half hour round trip. In the end, £566 was refunded to the passenger and KA kept the rest for mileage and a cleaning charge as the passenger had vomited in the cab. KA had an otherwise clean driving history.

KA stated that they had spoken to a Licensing Unit officer and resolved the matter and refunded the passenger and that there were no further issues at that time.

The Licensing Unit officer stated that the incident dated back to 2022 and the officer processing the matter was not available for some time and so it went unattended and was being presented to the Hearing Panel later than it should have been.

KA addressed the Hearing Panel and stated that they had collected the passenger and asked if they were sure when they gave the postcode for KA to travel to. The passenger agreed and paid the fare up front and became queasy before too long. KA pulled off the motorway for the passenger to get out and vomit but he had already made a small mess in the cab. KA then asked if he was ready to continue and asked where he was going and the passenger confirmed that they wanted to continue to London. After a short time the passenger asked to come off the motorway and KA stated that this was the Nantwich & Crewe exit. The passenger then asked to continue the journey again but KA said to think about it. Around the area of Stoke-on-Trent, the passenger felt sick again so KA stopped for 5/10 minutes before going to a garage for water and to clean the cab in the Knutsford area. The passenger then stated that they wanted to return to Manchester to the Travelodge Hotel on the main road. KA drove to the Ancoats Travelodge and dropped the passenger stating that they owed them money for the incomplete journey. The passenger said that they didn't care about the money and KA stated that CCTV from the hotel would show the cab waiting for 15 minutes to allow the passenger to return. The passenger did not return. KA then expressed that he had been going through a period of stress in their personal life due to their son's operation and bereavement from other family members and hadn't been thinking straight. The next day KA realised that he owed money to the passenger but could offer no refund without their card.

In responding to questions from the Licensing Unit officer and the Hearing Panel, KA stated that they had not contacted the Licensing Unit about the incident due to not thinking straight at the time, the journey was longer than on the printed report at 2 hours minimum, KA had stated that the journey got as far as Wolverhampton by accident due to not thinking straight and that they have autism and mix up their words sometimes, confirmed that they got as far as Crewe and that he gave the customer a refund.

In summing up, the Licensing Officer stated that KA had taken a large sum from a drunken customer and raised concern over the period of time elapsed before any news came through to the Licensing Unit, calling KA's openness and honesty into question on the matter as they had not made any attempt to rectify the situation.

KA summed up by stating that they had not spent the money earned from the fare, that a Licensing officer calculated the amount and KA was prepared to give a full refund but could not contact the customer directly.

In their deliberations, the Hearing Panel considered that, although KA had not contacted the Unit to address the matter, they had gone through some personal stress and that a large portion of the fare was refunded. KA's record was otherwise clean and the Hearing Panel felt that a warning should be attached to the Licence as to future conduct now that KA knew to contact the Unit for any other matters.

Decision

To issue a warning as to future conduct.

LACHP/23/69. Review of a Private hire driver licence - MS

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

The Licensing Unit officer addressed the Hearing Panel, stating that MS had been convicted of a recent SP30 speeding offence, accruing 4 penalty points which was a major traffic offence as per the Policy Guidelines.

MS addressed the Hearing Panel, stating that they were stopped by police in November 2022 for going slightly over the limit. The police asked for his details and then let him go. 3 weeks later a letter arrived containing notice of 3 penalty points and £100 fine. MS had asked for proof of the speed they were travelling at the time of the incident via email and had no response. MS sent letters stating that they would be out of the UK for 12 weeks. A letter arrived in June 2023 informing MS to go to court. MS was going through a divorce at the time and was confused about the court letter and did not attend the hearing. MS was then handed 4 penalty points and £166 fine. MS has been told that they were travelling over 40mph but has still not received any proof of this.

MS then summed up by stating that they have a good record and asked to keep their licence and they will follow the speed limits at all times.

In their deliberations, the Hearing Panel considered that MS had an otherwise clean licence and that MS had been served a fine as punishment for the offence.

Decision

To issue a warning as to future conduct.

LACHP/23/70. Review of a Private hire driver licence - KA

The Licensing Unit officer informed the Hearing Panel that KA had emailed the Unit stating that their brother-in-law had passed away and could not attend the hearing.

Decision

To defer the hearing to a future date.

LACHP/23/71. Application for a New private hire driver - GAPT

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and GAPT who attended with their spouse.

The Licensing Unit officer addressed the Hearing Panel, stating that GAPT had previously held a licence from 2014 to 2017 and had a renewal refused in 2018. GAPT had convictions for:

1. Failing to surrender to custody.
 2. Conceal/disguise/convert/transfer/remove criminal property.
 3. Commit act/series of acts with intent to pervert the course of justice.
- GAPT also had records showings different dates of birth and places of birth. There had been no other convictions since.

GAPT addressed the Hearing Panel and stated that they had arrived in the UK in 2004, started work and would send money back to his sister. GPAT was now married and settled into family life. GPAT was not aware that the previous convictions would cause any trouble with their application process. GAPT recounted a day where they were surprised to find police at the house. GAPT had moved to the UK, applied for a licence and their previous activities were behind them now with no further problems or police involvement. Taxi work was the best for GAPT due to having 6 children and a spouse who work in the NHS. GAPT admitted being naïve when they first arrived in the UK and stated that they had travelled a lot prior to arrival.

In responding to questions from the Licensing Unit officer and Hearing Panel, GAPT stated that they arrived in 2002, that they had to leave their country of birth illegally and dates and places of birth had been misconstrued by authorities due to poor English speaking skills, that they admit to previously providing false details for fear of being sent back home, that they had never seen the DBS report to refer to on their application, that they did not know where the date of birth stating 1980 came about, that they did know they had to report to a police station every day and missed two occasions and that, since marrying and becoming a parent GAPT had changed their character and reformed greatly.

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

GAPT's spouse addressed the Hearing Panel to sum up, stating that they met GAPT 18 years ago and they had been very supportive. GAPT always assisted with the children and their school placements and when they drove taxis previously it was a great help for the whole family. GAPT had not declared conviction from the DBS record as they had never had sight of a copy. When the police came to the house looking for GAPT they had come home straight away. 14 years later, GAPT had served their sentence and learned from that experience.

In their deliberations, the Hearing Panel noted that GAPT had some serious convictions on record but considered that they were in the past and that they had reformed their character and served their time. The Hearing Panel considered GAPT to be a fit and proper person and the offences were also outside of the guidelines.

Decision

To grant GAPT with a licence.

LACHP/23/72. Application for a New hackney carriage driver - SMM

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and SMM who was assisted by an interpreter appointed by the council.

The Licensing Unit officer addressed the Hearing Panel stating that SMM was a previous Hackney Carriage driver who had their licence revoked in May 2021 for totting up 12 penalty points.

SMM addressed the Hearing Panel, stating that they wanted to carry on working and paying for their mortgage.

In their deliberations, the Hearing Panel considered that SMM had served the required period before submitting for renewal and considered that SMM had learnt the lesson for their previous carelessness with regards to their convictions.

Decision

To grant SMM with a licence.

LACHP/23/73. Application for a New private hire driver - SR

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

The Licensing Unit officer addressed the Hearing Panel stating that SR had a recent conviction for common assault which sat within the guideline period in the policy. The offence was from a domestic setting and the officer asked the Hearing Panel to consider the difficulties in investigating this kind of crime. The offence had not been declared on SR's application.

SR addressed the Hearing Panel, stating that they had no outcome of the incident when they applied in February 2023. SR confirmed that they held licenses in other areas and had not had any issues with passengers. Since applying, the police had confirmed that SR had been issued with a caution.

In responding to questions from the Licensing Unit Officer and Hearing Panel, SR stated that the incident had taken place before they applied, that they admit not taking note of the applications request for "pending matters," that they felt that a caution is not the same as a conviction, that they had held a licence in Chester, Preston and Cheshire West previously but these had all lapsed, that Manchester was a preferable working area as it was a busy centre with ore work opportunities and that they did not know anything about aliases and different names and dates of birth as per the printed report.

SR summed up by stating that the caution was the only blemish on record, they had 2 autistic children to support and that there was not enough work in their home area.

In their deliberations, the Hearing Panel considered the incident to be too recent to depart from the guidelines in this instance.

Decision

To refuse to grant SR with a licence.