

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 2 October 2023

Present: Councillor Grimshaw – in the Chair

Councillors: Connolly and Hilal

LACHP/23/97. 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/23/98. Review of a Hackney Carriage Driver Licence - MAT

The Hearing Panel were informed that MAT had contacted the Licensing Unit to state they had a hospital appointment and therefore requested a deferral.

Decision

To defer the hearing to Monday 30 October 2023.

LACHP/23/99. Review of a Private Hire Driver Licence - AAC

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and AAC, supported by an interpreter provided by Manchester City Council.

The Licensing Unit officer addressed the Hearing Panel, noting that AAC had been questioned regarding ply for hire and the associated no insurance from 18 December 2022 as part of Operation Aztec. AAC was driving a vehicle licensed by a different authority at the time. AAC was convicted on 27 July 2023, entering guilty pleas, and receiving 6 penalty points and a fine.

The panel queried why AAC had been driving a vehicle licensed by a different authority when they had been licensed by Manchester since September 2022. The Licensing Unit officer had not asked that question of AAC but planned to during the proceedings.

AAC, supported by the interpreter, then addressed the Hearing Panel, stating that their partner was in hospital abroad at the time. Their app that supplied their work was not working. AAC's parents had recently passed away and AAC had a newborn baby. They stated it was the first time they had done this, and they did it as they

needed to send money home to pay for their partner's medical bills. AAC was sorry and stated they would not make the same mistake, asking the panel for a second chance.

Under questioning by the Licensing Unit officer, AAC stated they had done this for money and due to being upset at their family situation. The app for their work normally works but did not on this day. AAC knew what they had done was wrong but was thinking about their family. AAC was driving for another local authority at the time as their vehicle did not meet Manchester City Council standards. The other local authority had not brought AAC in for a hearing, but AAC had notified them of the conviction.

Under questioning by the panel, AAC noted that their vehicle was not compliant with Manchester's requirements. However, once they got a vehicle that was, they would give up their Licence with the other local authority.

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

AAC summed up by noting this was their first offence and requested a second chance.

In their deliberations, the Hearing Panel took into consideration the Statement of Policy and Guidelines as well as the relevant statutory guidance. The panel noted that AAC had shown remorse and had taken responsibility for their actions. The panel noted that this was an isolated incident. For those reasons, the panel felt satisfied that they could depart from their guidelines.

Decision

To suspend the Private Hire Driver Licence for two months.

LACHP/23/100. Review of a Hackney Carriage Driver Licence - AS

The Licensing Unit officer informed the Hearing Panel that AS had not contacted them to confirm their attendance and had not arrived on the day. As this was their first hearing, the panel were requested to defer the hearing.

Decision

To defer the hearing to Monday 30 October 2023.

LACHP/23/101. Application for a New Private Hire Driver Licence - NAAA

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

The Licensing Unit officer addressed the Hearing Panel, noting that this was a new application that NAAA had disclosed a number of convictions on, including driving a vehicle with excess alcohol that brought an 18-month disqualification, alongside a conviction for driving whilst disqualified that brought a 42-month disqualification.

NAAA's DBS confirmed those convictions. The Licensing Unit officer noted that NAAA's DVLA license was reissued in October 2022, but the convictions still fell within the guidelines.

NAAA stated that they were eligible for their DVLA license from 5 October 2021 but did not receive it until April/May 2022, with them having insurance from October 2022. This was confirmed by an insurance document provided by NAAA.

NAAA addressed the Hearing Panel, noting that the dates of the offences listed were well before the conviction dates. NAAA noted that the various convictions had made it difficult for them to get work, learning a lesson through their own naivety. NAAA stated they had suffered a lot due to the convictions. NAAA now had a young baby and wanted a taxi license as a financial top-up to their full-time employment. They noted they had worked hard over the years to turn their life around and regretted their past actions.

The Licensing Unit officer noted that NAAA had a poor driving record and was interested to hear their explanation. NAAA accepted that they had driven under the influence of alcohol, but they did not see the people who were around him at the time anymore. NAAA stated they were now teetotal. NAAA accepted they have driven whilst disqualified and was stopped by the police. NAAA understood concerns relating to previous dishonesty but stated that they would not be dishonest with customers and would not do anything to risk their license.

Under questions from the panel, NAAA stated that their job was now working in a call centre. NAAA noted that they now do volunteering work for a charity that works with disabled children, showing their experience of working with vulnerable people. NAAA was living in a hotel, organised by their local authority, due to currently being homeless.

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

NAAA summed up by stating that they had turned their life around. They had been working hard and stated they would not commit further offences. They regretted their actions.

In their deliberations, the Hearing Panel took into consideration the Statement of Policy and Guidelines as well as the relevant statutory guidance. The panel noted that NAAA had their DVLA license back with no further issues. They noted that there had been a significant period of rehabilitation for NAAA and felt that they had turned their life around. For those reasons, the panel felt that they could depart from their guidelines but felt that the seriousness of NAAA's convictions meant that a warning should be attached to their license.

Decision

To issue the Private Hire Driver Licence with a warning attached as to future conduct.

LACHP/23/102. Application for a New Private Hire Driver Licence - MGK

The Hearing Panel were informed by the Licensing Unit officer that MGK required an interpreter that could not be obtained for this date.

Decision

To defer the hearing to a future date when an interpreter is available.

LACHP/23/103. Application for a New Hackney Carriage Driver Licence - AR

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and AR, supported by an interpreter provided by Manchester City Council.

The Licensing Unit officer addressed the Hearing Panel, stating that AR had made an application in July 2023, but that application declared a speeding conviction that had brought 5 penalty points and a fine, confirmed by AR's DVLA summary. After speaking with AR, they confirmed that this conviction was from travelling at 40mph in a 20mph zone. This was a major traffic offence, but the conviction date was unknown to the Licensing Unit.

AR addressed the Hearing Panel, noting that they had made a mistake and had since become more aware of their driving and become more cautious. They noted they had no other convictions and that they aspired to be a good taxi driver.

Under questions from the Licensing Unit officer, AR noted that they had been driving a vehicle licensed by another local authority at the time of the conviction. They were detected by a speed camera and plead guilty to the offence. They had held a private hire driver license with a different authority for two years. They had applied for a license in Manchester due to living here.

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

AR summed up by noting that they lived in Manchester and had a good record except for this conviction.

In their deliberations, the Hearing Panel took into consideration the Statement of Police and Guidelines as well as the relevant statutory guidance. The panel accepted that, whilst they did not know the conviction date, it would have been within the guidelines. However, the panel were satisfied that this was an isolated incident and that AR had shown remorse and accepted responsibility for their actions. For that reason, the panel were willing to depart from their guidelines.

Decision

To issue the Hackney Carriage Driver Licence with a warning attached as to future conduct.

LACHP/23/104. Review of a Hackney Carriage and Private Hire Driver Licence - HA

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and HA, supported by an interpreter provided by Manchester City Council.

The Licensing Unit officer addressed the Hearing Panel, stating that this was a review of both licenses held by HA due to a conviction for ply for hire and the associated no insurance. HA was convicted in August 2023, plead guilty to the charges, and received 6 penalty points and a fine.

HA provided documents that contained character references to the hearing panel and officers. HA apologised for what had happened, noting they had been driving for 15 years with no previous incidents. They stated they would not do this again.

Under questions from the Licensing Unit officer, HA accepted they knew what they had done was wrong. They had taken the journey due to financial concerns. HA accepted their mistake and stated they would not do it again.

Under questions from the panel, HA stated they did not use their Hackney Carriage Driver Licence but planned to in the future. HA stated they took the journey to help but also for financial gain.

The Licensing Unit officer summed up by stating that the conviction was within the guidelines.

HA summed up by stating that it had been a difficult time for them financially. HA apologised for their actions, noting it was a one-off incident.

In their deliberations, the Hearing Panel took into consideration the Statement of Policy and Guidelines as well as the relevant statutory guidance. The panel noted that this was HA's first offence but that they were an experienced driver who should know better. The panel did accept that HA had shown remorse and plead guilty, and therefore were willing to depart from the guidelines.

Decision

To suspend the Hackney Carriage and Private Hire Driver Licenses for 3 months.

LACHP/23/105. Review of a Private Hire Driver Licence - AS

The Hearing Panel considered the content of the report and the written and oral representations made by the Licensing Unit officer and AS, supported by an interpreter provided by Manchester City Council.

The Licensing Unit officer addressed the Hearing Panel, noting that AS had a recent conviction for ply for hire and the associated no insurance. The conviction was dated as 23 August 2023, to which AS plead guilty and received 6 penalty points. AS's DVLA summary was clear except for this conviction.

AS addressed the Hearing Panel, stating that this was their first offence and would be their last. They accepted they had made a mistake and were sorry. AS only held a Licence in Manchester and had held that for around five years.

After questions from the panel, AS accepted they knew that ply for hire was illegal but said that they were desperate financially at the time. They stated that the stress this conviction had caused was not worth doing something similar again.

The Licensing Unit officer summed up by noting that the conviction fell within the guidelines.

AS summed up by stating that this was a mistake and that they apologised for that.

In their deliberations, the Hearing Panel took into consideration the Statement of Policy and Guidelines as well as the relevant statutory guidance. The panel noted that this was AS's first offence but that they were remorseful and had plead guilty at the first opportunity. The panel were satisfied that AS had taken responsibility for their serious error. The panel were therefore willing to depart from the guidelines.

Decision

To suspend the Private Hire Driver Licence for two months.