

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 27 November 2023

Present: Councillor – in the Chair

Councillors: Andrews, Hilal and Hughes

LACHP/23/118. Interests

Councillor Hughes declared in a prejudicial interest in Item LACHP/23/122 – the matter was therefore deferred to the next scheduled hearing date.

Decision

To defer the hearing to the next scheduled hearing date (20 December 2023).

LACHP/23/119. 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/23/120. Application for a New Private Hire Driver Licence - MAA

The Hearing Panel considered the report from the Director of Planning, Building Control and Licensing regarding the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant guidance. The matter was considered in line with the established procedure for such hearings.

The Hearing Panel heard that the Applicant holds a licence with Wolverhampton City Council but that he wished to apply for a licence for Manchester, given that he lived nearer to the city.

The Hearing Panel was advised by the Licensing Officer that the Applicant had received a plying for hire / no insurance conviction in September 2023 following a joint operation conducted by GMP and Manchester City Council's Licensing Unit in January 2023.

The Applicant explained that he had attended upon a booked job to Genting Casino and had waited for his passengers when undercover officers approached him to take them on a journey. He had allowed the officers into his taxi believing it to be his booking. However, when questioned he accepted that he should have been more

vigilant and made a mistake in accepting the booking and should have cleared this with his operator.

Concerns were expressed by the Hearing Panel about the lack of information regarding the booking which had been provided to the driver, a concern which has been raised by the licensing service with the driver's operator.

Whilst the convictions were noted as falling within the Council's Guidelines, the Hearing Panel believed this was a genuine mistake made by the driver and had been exacerbated by lack of clear instruction from the driver's operator on this occasion.

Consequently, the Hearing Panel chose to depart from the guidelines and grant the applicant a Private Hire Drivers' licence.

Decision

To grant the application.

LACHP/23/121. Review of a Private Hire and Hackney Carriage Driver Licence - Z1

The Hearing Panel considered the report from the Director of Planning, Building Control and Licensing regarding the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant guidance. The matter was considered in line with the established procedure for such hearings.

The Hearing Panel heard representations from the Licensing Officer that the Applicant had been involved in a Road Traffic Accident which had resulted in the driver of the other vehicle sustaining serious injuries which required surgery.

When the matter came before the court, the Applicant pleaded guilty and the matter was sent up to Manchester Minshull Street Crown Court for sentencing. He was subsequently disqualified from driving for 15 Months. In addition, the driver was sentenced to a term of imprisonment for 8 months suspended for 18 months and ordered to carry out 200 hours unpaid work.

The Hearing Panel was advised that the accident had occurred after the driver had failed to give way at a junction and collided with a Vauxhall Astra shunting the Astra into an oncoming vehicle, whereupon the occupant sustained serious injuries. The driver was extremely apologetic about his behaviour and his legal representative sought to assure the Hearing Panel that this was an isolated incident in an otherwise unblemished career whilst driving a licensed cab.

However, given the circumstances, the severity of the sentence and impact upon the victim, the Hearing Panel felt that it was appropriate to revoke both licences with immediate effect. The convictions fell within the Council's guidelines and the Hearing Panel saw no reason to depart from them.

Decision

To revoke Private Hire and Hackney Carriage Drivers' Licences with immediate effect.

LACHP/23/122. Review of a Hackney Carriage Driver Licence - ASK

A panel member declared a conflict of interest and indicated that they could not sit on the hearing.

Decision

To defer the meeting to the next scheduled hearing date.

LACHP/23/123. Application for a New Private Hire Driver Licence - ZS

The Hearing Panel considered the report from the Director of Planning, Building Control and Licensing regarding the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant guidance. The matter was considered in line with the established procedure for such hearings.

The Hearing Panel was advised by the Licensing Officer that the Applicant had failed to disclose in his application that he had a traffic conviction from 2019 for excessive speed limit driving (SP50). In addition, it heard that the Applicant had previously applied to Wolverhampton City Council but that his licence application had been refused following disclosure of the conviction. The Hearing Panel was advised that the driver had failed to disclose this information when he had completed his application for a taxi licence with both Manchester and Wolverhampton City Council.

However, when asked about why he had failed to disclose the speeding conviction he stated that the penalty points had been removed from his DVLA licence when he made the application in April 2023, and he didn't think he was required to do so. Although the Hearing Panel noted that he should have declared the conviction as one that was spent it accepted that he had simply misunderstood that he was obliged to do so.

The Panel also accepted his representation that he had never been granted a licence with Wolverhampton City Council and didn't think that he needed to declare that his application had been refused.

After careful consideration, the Hearing Panel resolved that he was a fit and proper person to hold a taxi licence.

Decision

To grant the application.

LACHP/23/124. Application for a New Private Hire Driver Licence - AS

The Hearing Panel considered the report from the Director of Planning, Building Control and Licensing regarding the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant guidance. The matter was considered in line with the established procedure for such hearings.

The Hearing Panel heard that the driver had completed his knowledge test in August 2023 after completing his basic skills test.

However, the Hearing Panel was advised that an allegation of a sexual nature that had been made against the Applicant whilst working as a taxi driver licensed with Wolverhampton City Council. The Licensing Officer indicated that the driver had been working for Street Cars at the time of the incident.

The Applicant confirmed that he had picked up the fare from the village to Wythenshawe but denied the version of events that were outlined in the meeting stating that he had requested payment for the journey prior to commencing the booking. The passenger subsequently refused to pay but the driver still took her to her destination, whereupon he stated that she exited the vehicle and ran off without paying. He stated that non-paying passengers had become a regular occurrence and that he had requested of Street Cars that should his application be granted, that bookings made from the Airport where payment was made up front would only be assigned to him. The Hearing Panel was advised that GMP had carried out an investigation into the complaint, but that no further action was taken after it was concluded that there was insufficient evidence to proceed further. There had been no other incidents or complaints reported against the Applicant.

The Hearing Panel noted that the Applicant advised that he had recently been issued with a speeding penalty which would fall within the Council's guidelines. However, on balance it was decided that the Applicant was a fit and proper person to hold a taxi licence.

Decision

To grant the application.

LACHP/23/125. Review of a Private Hire Driver Licence - KA

The Hearing Panel considered the report from the Director of Planning, Building Control and Licensing regarding the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant guidance. The matter was considered in line with the established procedure for such hearings.

The Panel heard that the driver's licence had been endorsed with 4 penalty points on his licence for an SP30 speeding offence which occurred in late June 2022, this was

reduced after appealing against conviction which originally imposed 5 penalty points on his DVLA licence.

The Hearing Panel was also advised that the driver had failed to disclose a previous SP30 offence in late April 2022

The Hearing Panel agreed with the Licensing Officer that there was a worrying pattern of behaviour regarding the Driver's propensity to speed whilst in his taxi.

However, on this occasion the Hearing Panel decided to depart from its guidelines and allow the driver one last opportunity to correct his driving. Consequently, it decided to issue the driver with a stern warning rather than suspend or revoke his licence.

Decision

To issue a warning

LACHP/23/126. Application for a New Private Hire Driver Licence - JAEE

The Hearing Panel considered the report from the Director of Planning, Building Control and Licensing regarding the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant guidance. The matter was considered in line with the established procedure for such hearings.

The Hearing Panel was advised that the driver had submitted an application without disclosing two SP30 convictions for speeding within the last 12 months, in December 2022 and April 2023. The Licensing Officer stated that the failure to disclose the convictions called into question the integrity of the Applicant and whether he could be considered to be a fit and proper person to hold a taxi licence.

The Applicant accepted that he had failed to disclose the speeding penalties imposed but stated that he had not understood that they were viewed as traffic convictions or that they were disclosable.

The Hearing Panel accepted his representations and chose to depart from its guidelines and agreed to grant the application subject to a warning.

Decision

To grant application with a warning.

LACHP/23/127. Review of a Private Hire Driver Licence - ZK

The Hearing Panel considered the report from the Director of Planning, Building Control and Licensing regarding the above application. The written papers and oral representations of the parties who attended were also considered, as well as the

relevant guidance. The matter was considered in line with the established procedure for such hearings.

The Hearing Panel was advised that the Applicant had been disqualified from driving in September 2023 for 18 months following a conviction for failing to provide a specimen of breath.

The Licensing Officer advised that as the driver no longer held a DVLA licence he could not hold a Private Hire Driver's Licence.

In accordance with its guidelines the Hearing Panel made the decision to revoke the driver's Private Hire Drivers Licence with immediate effect, satisfied he was no longer a fit and proper person to hold a taxi licence.

Decision

To revoke Private Hire Drivers Licence with immediate effect.