

## **Licensing and Appeals Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 11 March 2024**

**Present:** Councillor Grimshaw – in the Chair

**Councillors:** Hewitson and Ludford

#### **LACHP/24/16. 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/24/17. Application for a New Private Hire Driver Licence - SS**

The Hearing Panel considered the report from the Head 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 taxi licensing hearings.

The Licensing Unit officer addressed the panel, stating that this was a new application received in August 2023. SS held Licences with two other Authority's. Due to a police investigation regarding a serious sexual offence, one of those licences had been revoked but after that investigation brought no further action, SS had their licence restored.

SS addressed the panel, noting that they had previously applied for a licence at Manchester City Council in 2019 and that application was refused. They noted that no further action was being taken by the police and this had been the only issue that had happened in terms of allegations. SS was now utilising their other licences.

The Licensing Unit officer and panel sought clarity from SS on the events that led to the police investigation, along with historical alleged incidents. In SS' answers, the panel raised concerns regarding inconsistencies with their account and a concern that there appeared to be an issue relating to ply for hire.

In summing up, the Licensing Unit officer referred the panel to the information contained within the report.

SS summed up by stating that the police had taken no further action in their investigation.

In their deliberations, the Hearing Panel took into consideration the Statement of Policy and Guidelines as well as the relevant statutory guidance. The panel took particular note of the following from the relevant statutory guidance:

*5.4 Fit and proper test:*

*“Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver’s licence is a fit and proper person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:*

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*

*If, on the balance of probabilities, the answer to the question is no, the individual should not hold a licence. Licensing authorities have to make difficult decisions but (subject to the General principles) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given the benefit of doubt. If the committee or delegated officer is only 50/50 as to whether the applicant or licensee is fit and proper, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.”*

The panel were satisfied that SS had previously plied for hire, an offence they took extremely seriously. The panel believed that the evidence provided by SS was inconsistent with the evidence provided in the report. Given the serious nature of the sexual offence allegations and inconsistencies in SS’ version of events, the panel were satisfied that SS was not a fit and proper person to hold a Private Hire Driver Licence.

**Decision**

To refuse the application for a new Private Hire Driver Licence.

**LACHP/24/18. Application for a New Private Hire Driver Licence - SJG**

The Hearing Panel were informed that SJG had not attended the hearing. The Licensing Unit stated that they had no objection to the case being deferred as this was SJG’s first opportunity.

**Decision**

To defer the case to a later date.

**LACHP/24/19. Review of a Hackney Carriage Driver Licence - RS**

The Hearing Panel were informed that RS had submitted a fit-note and requested a deferral. Their Hackney Carriage Driver Licence was suspended with immediate effect, and that suspension would continue with a deferral.

### **Decision**

To defer the case to a later date.

### **LACHP/24/20. Application for a New Private Hire Driver Licence - AWN**

The Hearing Panel considered the report from the Head 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 taxi licensing.

The Licensing Unit officer stated that this was an application for a new private hire driver licence. AWN had failed to declare two historical convictions relating to drink driving on their application. The convictions were accepted as falling outside the guidelines, but AWN had been referred to the panel due to their failure to declare the convictions.

AWN stated that this was the first time they had applied and was unsure on how to complete the application form. They accepted their mistake in not declaring the convictions. AWN stated that they had asked to change the form but had been told by an officer that this could be dealt with later. It was unclear who AWN had spoken to for that information.

Under questioning, AWN admitted to previously having had a drinking problem but that was now under control. AWN had applied to be a private hire driver for the flexibility in hours to fit around their family life. AWN had subscribed to the DBS Update Service.

Neither the Licensing Unit officer nor AWN had anything to add when invited to sum up.

In their deliberations, the Hearing Panel took into consideration the Statement of Policy and Guidelines as well as the relevant statutory guidance.

The panel accepted AWN's explanation that it was a mistake to have not declared their historical convictions. The panel accepted that AWN had made an effort to change the application form when realising their mistake. The panel also acknowledged that AWN had admitted to having a drink problem previously but accepted that this was under control. The panel were satisfied that the convictions fell outside the guidelines but felt that a warning letter was required to ensure that AWN did not make the same mistake again in the future.

### **Decision**

To grant the application for a new Private Hire Driver Licence with a warning letter attached.

**LACHP/24/21. Review of a Private Hire Driver Licence - AM**

AM attended the hearing but requested that the panel defer the case until they can seek legal representation.

**Decision**

To defer the case until Monday 8 April 2024.

**LACHP/24/22. Review of a Private Hire Driver Licence - BC**

The Hearing Panel were informed that BC had not attended but no contact had been made with them. This had been BC's first opportunity to attend, and the Licensing Unit had no objection to the case being deferred.

**Decision**

To defer the case until a later date.

**LACHP/24/23. Review of a Private Hire Driver Licence - MAR**

The Hearing Panel considered the report from the Head 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 taxi licensing.

The Licensing Unit officer noted that this was a review of a private hire driver licence following contact from GMP that informed the unit of an allegation of a serious sexual offence against MAR. The Licensing Unit had suspended MAR's licence with immediate effect and the investigation was still ongoing.

MAR addressed the panel to provide their statement and answer questions. MAR provided their version of events relating to the allegations. MAR denied the allegations, stating they had provided DNA samples to GMP. MAR acknowledged they should not have entered the property of the customer.

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

MAR summed up by stating that they do all they can to help customers.

In their deliberations, the Hearing Panel took into consideration the Statement of Policy and Guidelines as well as the relevant statutory guidance. Due to the serious nature of the allegations, the panel accepted that the only appropriate action was to suspend the licence pending the outcome of the criminal proceedings to ensure public safety.

## **Decision**

To suspend the licence with immediate effect.

### **LACHP/24/24. Review of a Hackney Carriage Driver Licence - YM**

The Hearing Panel considered the report from the Head 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 taxi licensing.

The Licensing Unit officer noted that this was a review of a hackney carriage driver licence due to a complaint received from another licenced driver regarding an alleged assault on them by YM. That complaint had also been made to GMP who had took no further action. The complainant had stated they had to attend hospital to treat injuries. A witness statement from another licenced driver had been received too.

YM provided their version of events, denying any assault. They admitted that there was an altercation that involved swearing by both drivers. YM had got out of their vehicle and approached the other driver, with YM accepting they should not have. YM noted they were an experienced driver and had no previous issues on their record.

Through questioning, YM provided further details relating to the event. YM continued to deny assault and stated that they had not kicked the car of the complainant, but they had kicked theirs. YM stated the other driver had told them they would get their Licence taken off them. YM got out of the car to check the other driver was okay as they had been sat at a set of traffic lights for at least five minutes. The police had taken no further action.

The Licensing Unit officer summed up by stating that they had received statements that were signed and dated providing a different version of events to what YM had put forward.

YM summed up by stating that they had done their job without trouble, and this was the first 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 were satisfied that an altercation had taken place between the two drivers. The panel acknowledged that YM had accepted they should not have left their vehicle.

## **Decision**

To issue a warning as to future conduct.

### **LACHP/24/25. Review of a Private Hire Driver Licence - RM**

The Hearing Panel considered the report from the Head 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 taxi licensing.

The Licensing Unit officer noted that this was a review of a hackney carriage driver licence due to a complaint received from another licenced driver regarding an alleged assault on them by YM. That complaint had also been made to GMP who had took no further action. The complainant had stated they had to attend hospital to treat injuries. A witness statement from another licenced driver had been received too.

YM provided their version of events, denying any assault. They admitted that there was an altercation that involved swearing by both drivers. YM had got out of their vehicle and approached the other driver, with YM accepting they should not have. YM noted they were an experienced driver and had no previous issues on their record.

Through questioning, YM provided further details relating to the event. YM continued to deny assault and stated that they had not kicked the car of the complainant, but they had kicked theirs. YM stated the other driver had told them they would get their Licence taken off them. YM got out of the car to check the other driver was okay as they had been sat at a set of traffic lights for at least five minutes. The police had taken no further action.

The Licensing Unit officer summed up by stating that they had received statements that were signed and dated providing a different version of events to what YM had put forward.

YM summed up by stating that they had done their job without trouble, and this was the first 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 were satisfied that an altercation had taken place between the two drivers. The panel acknowledged that YM had accepted they should not have left their vehicle.

### **Decision**

To issue a warning as to future conduct.

### **LACHP/24/26. Application for a New Private Hire Driver Licence - AA**

The Hearing Panel were informed that an interpreter could not be sourced for AA and a deferral was put forward.

### **Decision**

To defer the case to a later date.