

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 3 June 2024

Present: Councillor Connolly – in the Chair

Councillors: Hilal and Hughes

LACHP/24/55. 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/24/56. Review of Hackney Carriage Driver Licence - RS

The Hearing Panel were informed by the Licensing Unit Officer that RS had provided a sick note and stated that they were unable to attend. The Licensing Officer confirmed that this was the third occasion on which RS had provided a sick note. The Hearing Panel noted that RS's licence was currently suspended but determined that this should be the last occasion of non-attendance from RS, that the hearing would be conducted in their absence at the next hearing and that the Licensing Unit Officer would inform RS of this.

Decision

To defer the hearing for the final time until 1 July 2024.

LACHP/24/57. Review of Private Hire Driver Licence - AM

The Hearing Panel were informed by the Licensing Unit Officer that AM was not able to attend due to a recent family bereavement. AM's court hearing had been deferred for the same reason.

Decision

To defer the hearing until 1 July 2024.

LACHP/24/58. Review of Private Hire Driver Licence - NA

The Hearing Panel considered the report from the Head of Planning, Building Control and Licensing regarding the above application. The Applicant attended the hearing along with a supportive friend and was assisted in the hearing with Interpreter that was provided by the Council. The oral representations of all of the parties who attended were also considered, in conjunction with the relevant guidance. The matter was considered in line with the established procedure for taxi licensing hearings.

In reaching its decision, the Panel took into consideration the Council's Statement of Policy and Guidelines and statutory Taxi and Private Hire Vehicle Standards.

The Licensing Unit Officer confirmed to the Hearing Panel that the unit had made calls and emailed NA and had no response. The Hearing Panel confirmed that they were satisfied that they had enough information to proceed in NA's absence.

The Licensing Unit Officer noted that Appendix 2 of the report stated that NA had 2 convictions for DR31 offences, attempting to drive when unfit through drugs. The Licensing Officer confirmed that the first offence had not gone ahead and informed the Hearing Panel to ignore this offence. The Licensing Unit Officer concluded that NA had been disqualified from driving for 12 months for the remaining offence so they were unable to hold a licence.

The Hearing Panel determined that NA's offence was within the guidelines and that they were not a fit and proper person to hold a licence, due to being disqualified for drug use and felt that the licence should be revoked.

Decision

To revoke NA's licence with immediate effect.

LACHP/24/59. New Application for Private Hire Driver Licence - SS

The Hearing Panel were informed by the Licensing Unit Officer that SS had attended in May 2024 but their spouse had been unwell and SS had to leave. SS had requested an interpreter to assist them with the hearing today but none were available so it was decided to defer the hearing to allow for an interpreter to assist SS at the next hearing.

Decision

To defer the hearing until 1 July 2024

LACHP/24/60. Review of Private Hire Driver Licence - LA

The Hearing Panel considered the report from the Head of Planning, Building Control and Licensing regarding the above application. The Applicant attended the hearing and the oral representations of the parties who attended were also considered, as

well as the relevant guidance. The Applicant was assisted in the hearing by an interpreter that was provided by the Council. The matter was considered in line with the established procedure for taxi licensing hearings.

In reaching its decision the Panel took into consideration their Statement of Policy and Guidelines and Statutory taxi and private hire vehicle standards.

The Licensing Unit Officer advised the Panel that LA was appearing before Sub-Committee for consideration of the review of a private hire driver licence. LA had convictions for CD20 - Driving without reasonable consideration for other road users and SP50 - Exceeding speed limit on a motorway, attracting 6 penalty points, a major traffic offence plus TS10 - Failing to comply with traffic light signals. LA's current licence was due to expire on 21 June and LA had submitted their renewal on 10 May. LA had not declared convictions on this renewal application.

LA addressed the Hearing Panel and stated that they were sorry for the situation they were in and having not disclosed the matter on their application. LA stated that they had attempted to send the image to the Licensing Unit and had incurred 6 points for the incidents named and had attended court on the same day as applying for the licence renewal. LA had copies of an apology email distributed to all attendees at the hearing which stated that the email sent to notify the Licensing Unit of the offence/s did not send and that this was an honest mistake.

During questioning it emerged that LA had been stopped for speeding by the police with a customer on a journey to Manchester Airport. LA stated that they know the rules about passenger safety from having accrued an 8 year experience as a driver. LA was given 6 points for this offence. This incident occurred one day before LA put in the renewal application and did not know if the offence would be endorsed and, for this reason, it was not declared on application. LA explained the background to a previous traffic offence whereby they were told they should have returned to the left hand lane after overtaking. LA had also lost their phone and this had impeded their ability to communicate with the Licensing Unit and LA apologised for this but claimed there was no intention to deceive.

In summing up, the Licensing Unit Officer reiterated the offences and lack of disclosure on LA's behalf.

LA did not sum up their case.

The Hearing Panel concluded that LA had failed to disclose matters on application for a second time and that the offence fell within the guidelines and therefore considered that some form of penalty should be handed down so that LA would understand that these types of offences do not go unpunished.

Decision

To suspend LA's licence up until the date of their renewal, 21 June 2024.

LACHP/24/61. New Application for Private Hire Driver Licence - AK

The Hearing Panel considered the report from the Head of Planning, Building Control and Licensing regarding the above application. The Licensee attended the hearing and the 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 advised the Panel that this was a new application for a private hire driver licence. AK had been referred to the Hearing Panel due to having a previous conviction for a Ply For Hire offence dating to December 2022 under AK's Wolverhampton licence. AK had been caught plying for hire in Manchester and pleaded guilty to the offence in July 2023. The offence was still within the guidelines.

AK addressed the Hearing Panel and stated that they were approached by 2 people who asked AK to take them to Northenden. They asked and then pleaded so AK took them. The police then followed the cab and AK admitted that they had gone along with it and it was their mistake. This would be the first and last time that AK would commit this offence.

During questioning it emerged that AK felt hurried by the customers/officers and admitted their mistake, that they still worked with a Wolverhampton licence and there had been no hearing against AK at Wolverhampton and that they would not renew their Wolverhampton licence if the Manchester licence was issued.

The Licensing Unit Officer did not sum up their case and AK stated that they would not commit this offence again and would be happy to work with a Manchester licence.

The Hearing Panel concluded that AK was a fit and proper person to hold a Manchester licence, had paid the associated fine and been penalised for the ply for hire offence but considered that a warning should be attached to remind AK of their duties as a Manchester licensed driver.

Decision

To grant the licence with a warning attached.

LACHP/24/62. Review of Private Hire Driver Licence - WR

The Hearing Panel considered the report from the Head of Planning, Building Control and Licensing regarding the above application. The Licensee attended the hearing and the 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 advised the Panel that WR had incurred an MS90 offence which had not been disclosed by WR. This was a major traffic offence, occurring in January 2023. WR wished to challenge the offence and the Licensing Unit received an email in April 2024 but, as WR had entered a not guilty plea, the conviction would have to stand as he appeared to have prior knowledge of the hearing.

WR addressed the Hearing Panel and stated that they were first made aware of the points and fine when the Licensing Unit had requested a DBS check. WR was waiting for the court to give them a date and the hearing was held in January 2024. WR had not attended court as they had not received any notification and had still not received any ticket number applicable to this file. WR may have misunderstood a letter from July 2023 and stated that they wanted to attend the court hearing.

During questioning WR, it emerged that they were aware of proceedings regarding a speeding matter on Princess Road which they had appealed against. WR had to attend court for other traffic offences and the courts had been lenient. WR had also queried other drivers who had said not to worry about it. WR felt that the conviction was out of balance with other similar offences. WR had wanted to appeal the decision due to the nature of the job and admitted that they were speeding but had not run a red light, claiming that the light was green. If WR had been able to appeal, the judge may have sympathised. WR had travelled 38 mph in a 30 zone and stated that GOV.UK had messaged WR stating that their case to appeal was in a queue.

The Licensing Officer summed up by stating that WR was pursuing this case which could be a simple speeding matter or an MS90. The Licensing Officer concluded by stating that the court decision may yet go in WR's favour.

WR summed up their case by stating that they had been honest but may have ticked the wrong box regarding whether they wished to appear in court or not. They were only made aware of points and the fine when the Licensing Unit asked for a DBS disclosure.

The Hearing Panel determined that WR did have a conviction and they could not go beyond that, although they understood that WR may have been unlucky with how matters transpired.

Decision

To place a warning on the licence.