Manchester City Council
Report for Information

Report to: Licensing and Appeals Committee – 4 March 2019

Subject: Taxi Compliance Quarterly Report – Qtrs 1, 2 and 3 2018/19

Report of: Head of Planning, Building Control and Licensing.

Purpose of Report

To inform the Committee of the compliance work undertaken by the Licensing Unit for the following reporting periods:

- Quarter 1 18/19, April – June 2018
- Quarter 2 18/19, July – Sept 2018
- Quarter 3 18/19, Oct – Dec 2018

Recommendations

That members note the report.

Wards Affected: All

Community Strategy Spine	Summary of the contribution to the strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Demands and encourages compliance with legal requirements, therefore raises standards and public confidence in licensed vehicles with the potential to increase the public use of these services which benefits the local economy. Supports a safer night time economy in the City for visitors and residents as part of the overall transport offer.
A highly skilled city: world class and home grown talent sustaining the city's economic success.	Effective regulation of Manchester licensed taxi and private hire drivers raises the standards of those operating within this part of the public transport industry, and promotes a world class fleet.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Manchester strives to have a world class taxi and private hire fleet that promotes equality and confidence to those living in, working in and visiting our city.

A liveable and low carbon city: a destination of choice to live, visit and work	Compliance activity provides a visible and reassuring presence to the public and serves to deter non-compliant and illegal taxi and private hire activity. All activity aims to ensure public safety and support Manchester as a safe destination that people choose to live, visit and work in.
A connected city: world class infrastructure and connectivity to drive growth.	An effective compliance regime supports the ambition for a world class fleet and one that will assist economic growth.

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue
Operation Aztec that has been the subject of a previous report to the Committee is wholly funded by the Licensing Unit

Financial Consequences – Capital
None

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1.0 Introduction

1.1 This report provides the Committee with information in respect of compliance work undertaken by the Unit during April - June 2018 and where possible provides comparative data to demonstrate performance and change.

2.0 Investigating Complaints Performance

2.1 The Compliance Team receives complaints/reports (from members of the public and the trade) against both Hackney Carriage and Private Hire licence holders.

2.2 All complaints are investigated with licence holders (where permission is required by the complainant, this is sought prior to investigations proceeding), who are given the opportunity to respond to any allegations made against them. All complaints are recorded against licence holder records, noting both the allegation and drivers response, where we are satisfied that drivers have been correctly identified.

2.3 Complaints can result in one of the following outcomes:

- No further action (generally due to a lack of evidence or complainant/witness not supporting action)
- Advice given
- Formal Warning
- Referral to Officer Panel or Sub-Committee
- Prosecution

2.4 **Table 1** at **Appendix 1** details the number of complaints received quarterly by category, as well as comparison data to enable performance and trend analysis.

2.5 Table 1 shows an increase in complaints received during Qtr 1 and Qtr 2 18/19 compared to the same quarters the previous years. As has previously been reported to the Committee, service improvements over the past 2 years included objectives to:

- Ensure the wider public are more aware of how to report issues and find it more accessible to do so – particularly with regards to disability related issues
- Improve response, investigation times and quality; thereby generating more complaints as people see more value in doing so

and therefore the general increase in complaints from residents and visitors to the City was anticipated and welcomed.

Qtr 3 18/19 shows a decrease in the number of complaints both from the previous quarter and against the same quarter the previous year. Qtr 3 is usually the busiest quarter for complaints with the City seeing peak numbers in visitors and journeys over the festive period; so this reduction could indicate improved levels of customer service and satisfaction.

3.0 Proactive Interactions and Operations

3.1 Routine checks are carried out on both day and night shifts at various locations across the City, including railway stations, the airport, hospitals and supermarkets. On night shifts interactions are targeted to hotspot areas causing congestion within the Night Time Economy, and locations where the risk of illegal activity is higher. Every vehicle interaction shown in the tables below also includes a driver check.

3.2 Table 2 below shows a breakdown of the interactions between the two tiers and of those licensed by Manchester compared to those licensed from other authorities. It shows that at present around a third of officer interactions are with non MCC licensed vehicles and drivers, and there is a fairly equal split of checks between MCC Hackney and MCC Private Hire. The relative percentages are in line with those reported within previous compliance reports. The increase in total interactions is as a result of filling a vacant post on the compliance team, and of additional activity due to events during the Summer period.

Vehicle and Driver Type	Qtr 2 17/18	Qtr 3 17/18	Qtr 4 17/18	Qtr 1 18/19	Qtr2 18/19	Qtr3 18/19	Total	% of total
Manchester Hackney	461	448	393	663	1137	594	3696	34%
Manchester Private Hire	487	490	618	654	932	649	3830	35%
Other licensed drivers checked in Manchester	432	481	357	609	728	666	3273	30%
Total	1380	1419	1368	1926	2797	1909	10,799	

Table 2 – Proactive interactions by Qtr:

3.3 Proactive checks and investigations can result in one of the following outcomes:

- Advice given
- Formal warning
- Compliance Notice
- Suspension Notice
- FPN
- Referral to Sub-Committee
- Prosecution

3.4 Interactions with non-Manchester licensed vehicles and drivers can only result in formal action (prosecution) where a criminal offence is detected e.g. illegal ply for hire. Other offences that constitute breach of licence conditions are referred back to the host authority, and only the host authority has the jurisdiction to suspend or revoke a licence (regardless of where the offence occurred). Compliance officers

spend considerable time and resource notifying other authorities with regards to issues identified with their vehicles and drivers, and the service is looking at ways this can be better recorded to enable reporting.

3.5 Notices

Compliance and suspension notices are issued against by Compliance Officers almost entirely as a result of proactive work, detecting faults or non-compliance with licence conditions to ensure a better standard of fleet and safety for passengers. The tables below details the numbers issued in the last 3 quarters and the reasons for issuing.

Table 3a – Notices issued Qtr 1 2018/19

Vehicle Notices Apr-Jun 2018	**Compliance Notice**		**Suspension Notice**		
Defect Type	**PH**	**HC**	**PH**	**HC**	**Total**
Tyres	0	0	0	0	**0**
Bodywork / Interior	0	0	1	1	**2**
Electrical	0	0	0	0	**0**
Mechanical	0	0	0	0	**0**
Vehicle Other (Conditions e.t.c.)	5	0	17	0	**22**
Driver Matter	2	0	0	0	**2**
Total	**7**	**0**	**18**	**1**	**26**

Table 3b – Notices issues Qtr 2 2018/19

Vehicle Notices Jul - Sept 2018	**Compliance Notice**		**Suspension Notice**		
Defect Type	**PH**	**HC**	**PH**	**HC**	**Total**
Tyres	1	0	0	0	**1**
Bodywork / Interior	0	0	2	1	**23**
Electrical	0	0	0	0	**0**
Mechanical	0	0	0	0	**0**
Vehicle Other (Conditions e.t.c.)	3	0	11	1	**15**
Driver Matter	0	0	4	0	**4**
Total	**4**	**0**	**17**	**2**	**23**

Table 3c – Notices issues Qtr 3 2018/19

Vehicle Notices Oct - Dec 2018	Compliance Notice		Suspension Notice		
Defect Type	**PH**	**HC**	**PH**	**HC**	**Total**
Tyres	0	0	0	0	**0**
Bodywork / Interior	0	0	2	0	**2**
Electrical	0	0	0	0	**0**
Mechanical	0	0	0	0	**0**
Vehicle Other (Conditions e.t.c.)	1	0	11	0	**12**
Driver Matter	0	0	2	0	**2**
Total	**1**	**0**	**15**	**0**	**16**

3.6 FPNs

FPNs are issued to any drivers smoking in a licensed vehicle, including drivers licensed by other authorities who are visiting or working within the City boundaries.

Table 4 – FPNs issued by Qtr

Smoking Fixed Penalty Notices	Q2 17/18	Q3 17/18	Q4 17/18	Q1 18/19	Qtr2 18/19	Qtr3 18/19	Total
Licensed Drivers (From All Authorities)	22	22	30	27	40	13	**154**

3.7 Prosecutions

Prosecution cases, on average take anything between 6 to 12 months to be concluded at Court. The most common offence types are:

- Ply for hire (and associated no insurance charge)
- Unlicensed
- Failure to wear ID
- Refusal to hire / carry passengers

The Committee and trade representatives have identified that illegal ply for hire is a priority for the City. The table below is a breakdown of referrals made by the compliance team for prosecution, identifying how many of those cases are for illegally plying for hire.

Table 5 – Summary of prosecutions by Qtr

	Cases referred for legal action	Number of which were Ply for Hire	Pending Trial	Number of which successful
Q4 17/18 (Jan – Mar 2018)	11	9	0	10
Q1 18/19 (Apr – Jun 2018)	6	5	1	5 (to date)
Q2 18/19 (July – Sep 2018)	10	7	6	1 (to date)
Q3 18/19 (Oct – Dec 2018)	15	14	12	1 (to date)
Totals	42	35	19	17

3.8 Operations

The Compliance Team have for a number of years participated in joint agency operations targeting both the day and night time Hackney Carriage and Private Hire trades. The Committee is already be aware of Operation Aztec which takes place at night with dedicated GMP Traffic Officers in both marked and unmarked vehicles working alongside Compliance Officers. More recently, Aztec has expanded its focus and now regularly targets illegal plying for hire using specially trained Special Constables undertaking journeys as customers in licensed vehicles. The Operations use different sites to direct vehicles for questioning under caution or vehicle checks, and the system is flexible to enable a check site to be shut down and moved on any given operation.

Compliance Officers also work closely with GMP colleagues and therefore also organise and support GMP on ad hoc operations in key locations across the City, including the airport or in response to emerging issues.

4.0 Senior Officer Panels and Licensing and Appeals Sub-Committees

4.1 Where on a new or renewal application (or during the currency of a licence) an individual has any convictions, cautions or other matters that require further consideration, these are, under the delegated authority of the Council, referred to either The Panel or Sub-Committee.

4.2 The Panel consists of a Senior Officer (normally a Principal Licensing Officer or the Licensing Unit Manager) accompanied by a legal adviser from City Solicitor's office. Applicants are invited to a Panel hearing, where a solicitor, trade union representative or friend, may accompany them or speak on their behalf.

4.3 The Sub-Committee consists of three Councillors selected from the full Licensing and Appeals Committee accompanied by a legal adviser from City Solicitor's office and a Governance Officer. Applicants are invited to a Sub-Committee

Hearing, and may be accompanied by a solicitor, trade union representative or friend, to accompany them or speak on their behalf.

4.4 Where applicants are aggrieved by the decision of the Panel, or Sub-Committee to refuse, revoke or suspend a licence they have the right of appeal to the Magistrates' Court.

4.5 Performance

4.6 **Tables 6a – 6c** at **Appendix 2** show the number of cases referred to the Senior Officer Licensing Panel for each Qtr 1 to 3 2018/19, by offence category and the outcomes.

To date during 2018/19, a total of 7 licence applications have been refused by the Senior Officer Panel.

4.7 **Tables 7a – 7c** at **Appendix 3** show the number of cases referred to the Licensing and Appeals Sub-Committee for each Qtr 1 to 3 2018/19, by offence category and the outcomes.

To date during 2018/19 a total of 16 licence applications have been refused by the Sub-Committee, and 18 licences have been revoked.

5.0 Case Summaries – outside the guidelines

5.1 The following paragraphs provide a brief overview of those cases and decisions taken by the Panel or Sub-Committee during Qtr 1 – 3 2018/19, that were made outside of the Council's Statement of Policy and Guidelines in relation to the relevance of convictions, formal cautions, complaints and/or other matters.

With each case, the Panel or Sub-Committee take into consideration the content of the report, any additional evidence presented at the hearing and statements made by all representatives.

The 'Reason' stated in each case is the presenting issue that prompted the referral to either Panel or Sub-Committee. The explanation provides as much information as possible, without providing identifying details.

5.2 Dishonesty – (5) Senior Officer Licensing Panel

(1) Application for a new hackney carriage driver's licence.

Reason: Dishonesty – Theft

Decision: Granted with a Warning

Explanation: The Panel Officer accepted that the offence was an isolated incident with the applicant having no other convictions. The officer also considered the circumstances surrounding the offence and the mitigation put forward by the driver and his genuine remorse. The officer further considered the

letters provided by the offender manager which assessed him as being at low risk and that it was highly unlikely he would reoffend. The letter also confirmed he fully engaged with probation and there have been no other issues or convictions either before or since this conviction in January 2014. It was also noted that prior to the conviction the applicant had been driving for 17 years without any issues. It was further noted that this conviction will fall outside of the guidelines in January 2019 being only 6 months away.

The panel officer therefore viewed that it was appropriate to depart from the guidelines and that the driver was now a fit and proper person to hold a licence. It was however considered that is was appropriate to grant the application with a warning as to their future conduct.

(2) New application for a Private Hire driver licence.

Reason: Money Laundering

Decision: Grant Application with a warning

Explanation: Applicant's solicitor explained that he thought that he was being employed to carry out a legitimate job however it appears that he was assisting in a money laundering scheme. He pleaded not guilty at court but the case against him was proved. The Judge recognised his offending was at the lower end of the scale but had no option but to impose a minimum custodial sentence in the circumstances. Applicant initially remanded in Strangeways but it was recognised that he was vulnerable and he was removed after a week and sent to Kirkham open prison. He was released on licence after 4 months due to his good behaviour and there were no breaches of his licence. In light of the mitigation offered, the fact this was an isolated conviction and his conduct since the conviction was imposed, the Panel decided to depart from the guidelines.

(3) New application for a Private Hire driver licence.

Reason: Trade Mark breach

Decision: Grant Application with a warning

Explanation: Applicant explained that he worked on a market stall owned by a friend of the family and was in charge for a short period. He admitted that he had been lazy and should have inspected and checked the consignments goods more carefully for trade mark compliance. In light of the mitigation offered, the fact this was an isolated conviction and was close to being outside the guidelines, the Panel decided to depart from the guidelines.

(4) New application for a Private Hire driver licence.

Reason: Benefit Fraud

Decision: Grant Application with a warning

Explanation: Applicant explained that he was in receipt of Housing Benefit and due to his poor English skills at the time did not realise that he had to declare his savings as well as his income. He was working at the time of his benefit claim which had been declared. He stated he would be more careful in future and this would not happen again. In light of the mitigation offered, the fact this was an isolated conviction and was close to being outside the guidelines, the Panel decided to depart from the guidelines.

(5) New application for a Private Hire driver licence.

Reason: Failure to Declare Motoring convictions on application

Decision: Grant Application with a warning

Explanation: Applicant explained that he thought that the motoring matters were spent and did not have to be declared on his application. He was advised that he must declare all convictions. In light of the fact that both motoring matters were now outside the guidelines the applicant had been brought to task over his failure to declare these matters the Panel decided that the applicant was a fit and proper person to hold a licence.

5.3 Major Motoring Offence (12) – Senior Officer Licensing Panel

(2) Review of a private hire driver's licence.

Reason: Major motoring convictions (IN10 No Insurance)

Decision: Warning Issued

Explanation: The panel heard that at the time of the offence the applicant previously worked for a takeaway, occasionally carrying out food deliveries as part of his work. On the night in question he was using the company vehicle and believed that he was covered on the insurance, and since the offence he has ceased his employment.

This matter is within policy until November 2019, however due to the mitigating circumstances and the fact that this was an isolated incident, the decision was made to depart from policy and warn the driver in regard to his future conduct.

(3) Review of a Hackney Carriage Drivers licence.

Reason: Motoring convictions CU80 (Breach of requirements as to control of the vehicle (Mobile phones etc)

Decision: Warning Issued

Explanation: The Senior Licensing Officer Panel took into consideration the content of the report in relation to previous matters and what had been said at the meeting in relation to this new offence. The decision was to issue a formal warning as to his future conduct as a Hackney Carriage driver.

(4) New application for a Private Hire driver's licence.

Reason: Motoring conviction IN10 (No insurance)

Decision: Granted with a Warning

Explanation: The applicant received the endorsement in January 2018 for using a vehicle uninsured while working as a fast food delivery driver. The panel took into account that he had not been prosecuted for the offence, but had been issued with a Fixed Penalty Notice. The conviction was an isolated offence and the vehicle had been fully insured albeit not for 'delivery driver'. The panel accepted his explanation of the circumstances. He was also issued with a warning in relation to any future motoring/criminal convictions, complaints or any other issues that would bring into consideration his fitness to remain licensed as a private hire/hackney carriage driver in Manchester.

(5) Application for a New Private Hire driver's licence.

Reason: DR10 (Drink driving)

Decision: Granted with a Warning

Explanation: The applicant declared a motoring conviction for drink-driving. The Senior Licensing Officer Panel took into consideration what had been said at the meeting and Policy and decided to grant his application with an official warning.

(6) Application for a New Private Hire driver's licence

Reason: TT99 (Totting up of points)

Decision: Grant the licence for a period of one year with a Warning

Explanation: The Senior Licensing Officer Panel took into consideration the content of the report, what had been said at the meeting and decided to grant the new application for one year only, subject to passing the relevant knowledge test and completing all further stages of your application. Provided the applicant remained issue free during the currency of his granted licence, a renewal would be granted for 3 years.

(7) New Application for a Hackney Carriage driver licence

Reason: Motoring Conviction CU80 [Breach of requirement as to control of vehicle – Mobile Phones etc

Decision: Grant Application with a warning

Explanation: Applicant admitted having a PDA device in his hand whilst driving a licensed vehicle although he did not have any passengers on board at the time. As this was an isolated conviction and that no further motoring convictions had

been accrued since this conviction the Panel decided to depart from the guidelines.

(8) New Application for a Hackney Carriage driver licence.

Reason: Motoring Conviction MS90, Failure to give information as to identity of driver etc

Decision: Grant Application with a warning – 12 month licence issued

Explanation: Applicant has been previously licenced with MCC until 2016 without passenger complaint. As the conviction being considered was only a few weeks away from being outside the guidelines the Panel decided to depart from the guidelines

(9) New application for a Private Hire driver licence.

Reason: MS90 Failure to give information as to identity of driver etc

Decision: Grant Application with a warning

Explanation: Applicant explained that he moved from Preston to Manchester and became the proprietor of a private hire vehicle expecting to obtain his private hire driver licence quickly but there was a delay. He had to track out his vehicle as a result of not being able drive it. It appeared that correspondence about a low level speeding offence involving his private hire vehicle has been sent to his old Preston address and when he finally became aware of it he had already been convicted of the MS90 offence in his absence. In light of the mitigation offered, the fact this was an isolated conviction the Panel decided to depart from the guidelines.

(10) New application for a Private Hire driver licence.

Reason: IN10 Using a vehicle uninsured against third party risks

Decision: Grant with a warning

Explanation: Applicant explained that he was in the passenger seat of the vehicle that a relative was driving. His relative was taken ill and so he took over the driving believing that he was covered for third party risks. Stopped by Police and it transpired that the policy only covered any other driver over the age of 25 and he was under 25 at time of incident. In light of the mitigation offered, the fact this was an isolated conviction involving a vehicle that was not a licensed vehicle the Panel decided to depart from the guidelines.

(11) New application for a Private Hire driver licence.

Reason: Historical Serious Motoring Offences

Decision: Grant Application with a warning

Explanation: Applicant explained that he was stressed at the time the offences were committed and made some bad decisions. He no longer drinks alcohol. In light of the fact that all the convictions considered were now outside the guidelines the Panel decided that the applicant had demonstrated that he was now a fit and proper person to hold a licence.

(12) Review of a Private Hire driver licence.

Reason: CD10, Driving without due care and attention

Decision: Warning issued re future conduct

Explanation: Applicant explained that he was driving near the City Of Manchester Stadium and manoeuvred in to the inside lane and ended up hitting the kerb. He was stopped by Police and reported for the incident. As this was an isolated conviction, receiving a low sentence by the court, the Panel decided to depart from the guidelines.

(13) Review of a Private Hire driver licence.

Reason: CD10, Driving without due care and attention

Decision: Warning issued re future conduct

Explanation: Applicant explained that he was carrying a passenger in the city centre in wintry conditions when his vehicle skidded and left the road. He pleaded guilty at court and produced a letter from the Private Hire Operator he works for. In light of the mitigation offered, the fact this was an isolated conviction and the sentence imposed by the court the Panel decided to depart from the guidelines.

5.4 <u>Intermediate Motoring Offence (4) – Senior Officer Licensing Panel</u>

(1) Review of a private hire driver's licence.

Reason: Motoring convictions SP30 and SP50 (speeding)

Decision: Warning Issued

Explanation: The panel officer considered two matters of speeding and the licence holder produced documentation of these offences. It was established that the driver has accumulated six points on his licence and there was no third offence as previously reported. Consideration was given to a previously good driving record and that even though these offences were currently within policy, they will be outside in July 2018. The decision was therefore made to issue a warning as to future conduct

(2) Review of a Private Hire driver's licence.

Reason: Motoring offence CD10 (Driving without due care)

Decision: Warning Issued

Explanation: The panel officer accepted that the motoring offence was an isolated incident with no convictions or other issues before or after this conviction. The officer also carefully considered the circumstances surrounding the offence and the mitigation put forward by the driver. The penalty awarded by the Court supported the fact that the driver was not speeding and that no injuries were sustained in the incident.

The panel officer therefore viewed that it was appropriate to depart from the guidelines and that the driver was a fit and proper person and the licence can continue. It was however considered that is was appropriate to give the driver a formal warning as to his future conduct.

(3) Review of a Hackney Carriage driver's licence.

Reason: Motoring offence SP50 (Speeding)

Decision: Warning Issued

Explanation: The driver has a previous speeding conviction for speed of 35mph in a 30mph zone on Oldham Road when he was not working. The latest offence was on a temporary 50mph stretch on the M60 motorway whilst he was driving at a speed of 57mph. Consideration was given to a good previous driving record and the fact that the conviction will be outside policy in August 2018. The hearing officer made the decision to issue him with a warning as to his future conduct.

(4) Application for a New Private Hire driver's licence.

Reason: CD10 (Driving without due care and attention)

Decision: Warning Issued – Licence issued for 1 year

Explanation: The Panel considered this to be an isolated incident at the lower end of the penalty scale and in the circumstances felt it appropriate to depart from the guidelines, but to issue a licence for 1 year initially (subject to passing the relevant knowledge test and completing all further stages of your application) with a warning.

5.5 <u>Violent Offences (4) – Licensing and Appeals Sub-Committee</u>

(1) Review of Private Hire and Hackney Carriage Drivers Licences

Reason: Conviction for Battery

Decision: Warning given

Explanation: This incident involved an altercation between two drivers, and the

violence involved the hitting of a vehicle with the hand (not violence towards the person). The Committee accepted that this was out of character and an isolated conviction and therefore judged the driver to remain fit and proper. The Committee did however advise about the behaviour in front of passengers and found it necessary to issue him with a warning as to his future conduct.

(2) Review of a Private Hire Drivers Licence

Reason: Caution for Common Assault

Decision: Warning issued

Explanation: The Committee took into account that the applicant had declared the caution to the Council. The Committee accepted the explanation put forward by the applicant that following words being exchanged he had walked over to another licensed driver's vehicle in a petrol station and had pushed the other drivers hand after his had been pushed from the window. The Committee accepted that this was at the lowest level of violent offences which had been dealt with by a caution. The Committee also accepted that the applicant/driver had learnt from this experience and therefore it was unlikely to be repeated.

(3) New Application for a Hackney Carriage driver licence.

Reason: Conviction for Battery

Decision: Grant Application with a warning

Explanation: Whilst the Committee was concerned about the serious nature of the driver's past offending it felt that the Applicant had sufficiently demonstrated that he had learnt a harsh lesson and was genuinely remorseful about his actions. The Committee also recognised that the conviction for battery now fell outside its guidelines and was satisfied that the Applicant was a fit and proper person to hold a drivers licence.

(4) New Application for a Hackney Carriage driver licence.

Reason: Simple Caution for ABH

Decision: Grant Application

Explanation: The circumstances of the offence related to a domestic situation and the Applicant offered contextual details around long term illness and stress that had led to him grabbing a female by her wrists to get her out of bed resulting in scratches to her wrists. Upon arrest, the applicant had admitted the offence which resulted in him being cautioned. He demonstrated insight into his behaviour, the learning of different coping mechanisms and apologised for his frustration getting the better of him. Evidence was presented that Social Services had been contacted and had declared that there was no risk and closed their file.

The applicant had previously held a Hackney Carriage Licence for over five years

without incident and gave an example as to how he had dealt with the welfare of a drunken female to indicate and demonstrate that he could handle stressful situations and could be trusted.

The Committee noted the demeanour of the Applicant and how he presented his explanations. He did not seek to minimise the circumstances and showed insight in to his behaviour. He had undertaken work with Social Services and also had adequate experience previously with no complaint history.

5.6 Sexual Offences (3) – Licensing and Appeals Sub-Committee

(1) Renewal of private hire driver licence.

Reason: Historical sexual allegation that came to light during renewal process

Decision: Granted

Explanation: The Committee heard from the applicant's solicitor that the allegation, initially against the applicant, was one of mistaken identity. The applicant gave details to testify that he had never worked at the place of the alleged assault. The Committee accepted this account as it was supported by the fact GMP had arrested someone else after releasing the applicant and had taken no further action against the applicant.

(2) New private hire driver application.

Reason: Allegation of sexual assault

Decision: Granted with warning

Explanation: The Committee took into consideration the fact that the Applicant had been found not guilty of the offence by a jury at the crown court but they did have some concerns regarding his conduct on this occasion. Therefore they decided to grant the licence with a warning.

(3) Review of a Private Hire driver licence.

Reason: To consider a not guilty verdict arising from a Trial

Decision: To lift the immediate suspension and place a warning on licence

Explanation: The Committee took account of the fact that the driver had been acquitted at Court of the charges against him which had followed from the complaint. The Committee was told that the complainant had not been a credible witness. The Committee accepted the driver had another booking from the hospital and this accounted for his presence in the hospital. The Committee also considered his explanation of the location of his vehicle in the car park at the hospital was consistent with his explanation of what had taken place in the vehicle and the conversation which had taken place between himself and the complainant. The driver was warned not to allow lone females and particularly

vulnerable females to ride in the front seat.

5.7 Drug offences (3) – Licensing and Appeals Sub-Committee

(1) New Application for a Hackney Carriage driver licence.

Reason: Drug Convictions

Decision: Grant Application with a warning

Explanation: The Committee noted that there had been no convictions since July 2009 and therefore they accepted the representations that the applicant was a changed person and had changed his life. In all the circumstances therefore the Committee was satisfied he is a fit and proper person to hold a licence.

(2) New Application for private hire driver licence.

Reason: Drug Conviction

Decision: Grant Application with a warning

Explanation: The Committee took into account the fact that this was an isolated incident and that more than 7 years had elapsed since this conviction. The Committee also took account of the fact that his former operator had attended to give him a character reference and accepted this offence had been out of character. In all the circumstances the Committee was therefore satisfied the applicant was a fit and proper person.

(3) New Application private hire driver licence.

Reason: Drug Convictions

Decision: Grant the Application

Explanation: The Applicant explained the offences were committed eight years ago in his past when he was much younger and due to associating with people he no longer associated with and had moved from that area. He had served his prison time in relation to those offences within the guidelines and since his release from the Young Offenders Institution, he had worked full time, obtained qualifications, had a new partner, two children and a new home. The Committee noted that although some of the offences were within the ten year guideline, it had also been almost eight years since the Applicant's release from prison and he had remained free of any criminal convictions. They noted within the policy that after five years consideration could be given to the circumstances of the offence and any evidence demonstrating the person is now a fit and proper person to hold a licence. The Committee accepted the Applicants submissions that he had turned his life around and noted the significant change in his lifestyle and his application and commitment in doing so.

5.8 Miscellaneous and Complaints (5) – Licensing and Appeals Sub-Committee

(1) Review of Private Hire Driver Licence

Reason: Complaint

Decision: Warning issued

Explanation: The Committee heard that a complaint had been made against the driver by another taxi driver, and witnessed by a passenger. The complaint referred to an alleged altercation between the two drivers and it was accepted that the driver had taken the keys out of the other drivers ignition without permission. It was claimed that he had done this as he feared that the other driver may drive towards him after he heard him revving his engine. Committee gave him the benefit of the doubt and allowed him to retain his licence but warned him about his future conduct.

(2) Review of Hackney Carriage Proprietor Licence

Reason: Poor Maintenance of vehicle

Decision: Warning Issued

Explanation: Although Committee was advised that the Applicant was the owner of a vehicle that had been tested and failed inspections on a number of occasions, it noted that the Applicant had purchased a new vehicle which had passed inspection. It also noted that the proprietor had given assurances to regularly servicing his vehicle and pay due regard to where he would take the vehicle for repairs and inspections in the future; therefore issuing a warning.

(3) Review of private hire driver licence.

Reason: Application for exemption to carry assistance dogs

Decision: Granted

Explanation: The Committee considered the evidence provided by a medical practitioner on behalf of the applicant, with regards to medication he takes for his allergy to dogs and his fear of dogs after being bitten as a child. They also took into account that the vehicle he drives has no fixed partition between the driver and passenger compartment. On the basis of the evidence provided the Committee were satisfied that it was appropriate to issue the applicant with an exemption certificate on medical grounds.

(4) New Application for a Hackney Carriage driver licence.

Reason: Application to exempt under Equalities Act 2010 [Wheelchair]

Decision: To grant the application with an exemption on medical grounds under Section 166 of the Equalities Act 2010

Explanation: The applicant requested an exemption due to physical limitations. The Committee considered the applicant to be a very rational and reasonable person who would carry out the role to his best effort providing the best customer service he could given his physical limitations. The Committee accepted he would use his best efforts to ensure that he was not working in locations where he would in a position of having to refuse to carry passengers due to his condition and in the circumstances when this occurred he would where possible assist passengers in securing an alternative vehicle. The Committee was satisfied that he would have a positive attitude towards customer service and that customers would be understanding and not be disadvantaged. The Committee considered that given the size of the Hackney Carriage fleet and the number of licensed drivers the grant of this licence would not have a detrimental effect on the travelling public particularly those with mobility issues who would require assistance from their driver. The Committee also noted that the applicant expressed an intention to drive a vehicle type which was adapted to his needs but which otherwise fulfilled the criteria of the Manchester City Council conditions of fitness for Hackney Carriage vehicles and was a therefore a vehicle type already on the fleet.

(5) Review of Private Hire Driver Licence

Reason: Passenger Complaint

Decision: Warning Issued as to Future Conduct

Explanation: The Committee was made aware of a complaint involving two vehicles being despatched to the same location by a Private Hire Operator and the Respondent taking issue with other private hire driver when the customer got into the wrong taxi. The Respondent accepted the customer in the other vehicle could have been fearful and was very apologetic for his conduct. He explained he had apologised to the customer at the time. The incident had resulted in a Restorative Justice Disposal. The Committee noted the Respondents acceptance of his conduct, the fact that he had not sought to minimise matters, and the insight shown by him as well as the disposal. They also noted he had held his Private Hire Licence for five years without incident or complaint.

6.0 Appeals (13)

6.1 There were 13 appeals lodged against Sub-Committee decisions made throughout Qtr 1 – 3 2018/19.

1. Revocation of PHD licence on April 2018.
   Outcome: Appeal Withdrawn, £150 costs awarded to MCC

2. Revocation of PHD licence in May 2018.
   Full Hearing: Magistrates Court on 6 September 2018
   Outcome: Appeal dismissed, £150 costs awarded to MCC

3. Refusal of HCD Application in May 2018
   Full Hearing: Magistrates Court on and September 2018.
   Outcome: Appeal dismissed, £150 costs awarded to MCC

4. Revocation pf PHD licence on 17 April 2018
   Outcome: Appeal Withdrawn on 21 Sept 2018, £150 costs awarded to MCC.

5. Revocation of HCD licence on 17 April 2018
   Full Hearing: Magistrates Court on 20 August 2018
   Outcome: Appeal dismissed, Costs of £250 awarded to MCC

   Appealed to Crown:
   Full Hearing: Crown Court on 26 October 2018
   Outcome: Appeal dismissed, costs of £400 awarded to MCC

6. Revocation of PHD licence on 24 May 2018
   Full Hearing: Magistrates Court on 6 September 2018
   Outcome: Appeal dismissed, costs of £150 awarded to MCC

   Appealed to Crown:
   Full Hearing: Crown Court on 25 January 2019
   Outcome: Appeal dismissed, £500 costs awarded to MCC

7. Revocation of PHD licence on 28 September 2018
   Outcome: Appeal withdrawn, no costs awarded to MCC

8. Revocation of PH and HCD licences on 19 September 2018
   Full Hearing: Crown Court on 19 October 2018
   Outcome: Appeal dismissed: £300 costs awarded to MCC.

9. Refusal of PHD licence on 14 August 2018
   Full Hearing: Magistrates Court on 18 January 2019
   Outcome: Appeal dismissed, £200 costs awarded to MCC

10. Revocation of PHD licence on 17 April 2018
    Full Hearing: Magistrates Court on 22 November 2018
    Outcome: Appeal dismissed, costs of £775 awarded to MCC

11. Refusal of New Hackney Carriage Driver application made on 2 October 2018.
    Full Hearing: Magistrates Court on 2 January 2019.
    Outcome: Appeal dismissed, no costs awarded to MCC.

12. Immediate Suspension of PHD licence - Sub Committee restored licence on 13 November 2018
    Outcome: Appeal withdrawn

13. Refusal of New HCD licence application (application made on 24 May 2018)
    Full Hearing: Magistrates Court on 2 November 2018
    Outcome: Appeal dismissed, costs of £250 awarded to MCC.

7.0 Conclusion

7.1 The report has provided a summary of the activity of the Taxi Licensing Compliance Team throughout Quarters 1, 2 and 3 of 2018/19. The information provides Members with an update and overview of the types of complaints received, proactive investigations, activity and legal applications to uphold high driver and proprietor standards in Manchester. It also demonstrates the type of work being carried out in regard to the large number of drivers and vehicles that are working in the city that are licenced by other Licensing Authorities.

7.2 Members are asked to note the report.