

PUBLIC PROTECTION SUB-COMMITTEE

21 MARCH 2024

PRESENT

Councillor D. Jarman (in the Chair).

Councillors S. Thomas (Vice-Chair), B. Brotherton, E.L. Hirst, J. Holden, J.D. Newgrosh, H. K. Spencer and S. Taylor

In attendance

James Parry

Litigation Lawyer

Jade Pickup

Senior Licensing Officer

Stephanie Ferraioli

Governance Officer

APOLOGIES

An apology for absence was received from Councillor S. J. Haughey.

45. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions received from members of the public.

46. MINUTES

RESOLVED: That the minutes of the meeting held on 22 February 2024 were noted as a true and correct record.

47. EXCLUSION RESOLUTION

RESOLVED: That the public be excluded from this meeting during consideration of the remaining items on the agenda, because of the likelihood of disclosure of “exempt information” which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as amended by the Local Government (Access to Information) (Variation) Order 2006, and specified on the agenda item or report relating each such item respectively.

48. AN OFFENCE WHICH HAS OCCURRED DURING THE CURRENCY OF A PRIVATE HIRE DRIVER’S LICENCE

The Head of Regulatory Services presented the case informing the Committee that further information on the matter was received from Manchester City Council too and reminded Members that the primary aim of the Committee is to ensure public safety.

The driver in attendance along with a friend who acted as their interpreter stated that the driver picked up the wrong person that happened to go in the same direction as the booking and that was the reason for the mix up. Unfortunately, the person was from Manchester City Council and it was indeed their mistake for not checking the person was the correct one.

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The offence took place in January 2023 but has only just gone to court due to the backlog at Manchester Magistrates. The driver was found guilty and fined six points.

The Chair asked the driver to state their defence in court. The driver stated that they had been represented through a translator and had pleaded guilty.

The Chair continued asking why the driver had not attended court and why they had not informed the Licensing department. The driver after long deliberation with their friend who acted as their interpreter said they were sorry that this had happened.

Members debated at length and 7 were in favour of revoking the licence, one abstained due to the late arrival to the meeting. It was clear from the evidence and the statements tonight that the driver chose to drive without insurance to get an extra fare and that this had happened other times too.

As a result of an operation between Greater Manchester Police and Manchester City Council the driver was caught without insurance which created a risk for members of the public travelling with them.

RESOLVED: That the licence be revoked pending appeal to be submitted within 21 days.

49. APPLICATION TO GRANT A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE WHICH EXCEEDS THE SCHEME OF DELEGATION

- a) The Head of Regulatory Services presented the case to the Committee where a subcontracted driver presented various offences including driving the wrong way up and stating the passenger was in fact driving, threatening phone calls that later resulted in arrest. The subcontracted driver was driving school transport at the time he was stopped. It transpired the subcontracted driver had also been arrested for another serious offence. They were also found to have swapped hackney carriage plates for their own.

RESOLVED: That the licence be revoked with immediate effect.

- b) The Head of Regulatory Services explained the case to the members of the Committee clarifying that the case presented related to the contractor who was responsible for ensuring the subcontracted driver above complied fully with regulation before employing them.

The owner in attendance with their daughter and two friends stated that they had been driving for 46 years and would never knowingly allow a sub contractor to drive without a licence. They stated that they were shocked and apoplectic when they found out their name had been dragged through the mud given the incident as per a) above.

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They had been assured the subcontractor had a licence and provided copies of licence, payments and insurance, the vehicle was in exceptional circumstances given the age test and that they were waiting for renewal.

The owner continued saying they had attended a meeting with Enforcement at the Town Hall to explain how they employed people and explaining also that they would expect drivers to inform them if there were any conditions preventing them from carrying out their duties as in the contract.

They had not received complaints on the sub contracted driver from parents about being late or anything untoward until January 2024 when the owner received a call from the mother of a child who asked not to be sent that driver again to pick up their child. They did not want a Pakistani driver. They were informed that that was potentially racist but the mother stated that it was not given that they were Pakistani too.

Members asked whether this request was satisfied and the owner stated that they had decided not to and that the driver picked up the child at least one more time after the request from the mother.

The owner continued saying that it later transpired that the driver had not had their licence renewed and that should have been in jail, that the driver had lied and lied and fooled everyone.

Members deliberated at length and agreed that the owner had not carried out due diligence in this instance and that there did not seem to be a solid system in place ensuring drivers were in full compliance with regulations. The owner also chose to ignore the parent's request to change the driver.

RESOLVED: That the licence be revoked pending appeal to be submitted within 21 days.

The meeting commenced at 6.30 pm and finished at 9.30 pm