

SPEAKERS PANEL (LICENSING)

16 March 2021

Commenced: 10.05 am

Terminated: 11.50 am

Present: Councillors Drennan (Chair), Gosling (Vice-Chair), S Homer, J Lane, McNally, Quinn, Sharif, Taylor and Ward

In Attendance:

David Joy	Legal Representative
Ashleigh Melia	Legal Representative
Mike Robinson	Regulatory Compliance Manager
James Horton	Regulatory Compliance Officer

Apologies for Absence: Councillors Chadwick and J Homer

12 DECLARATIONS OF INTEREST

There were no declarations of interest.

13 MINUTES

The minutes of the Speakers Panel (Licensing) meeting held on 17 November 2020 were agreed as a correct record.

14 EXEMPT ITEMS

RESOLVED

That under Section 100A of the Local Government Act 1972 (as amended) the public be excluded for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 2 and 3 of Part 1 of Schedule 12A of the Act and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, because disclosure of the personal information contained in the reports would not be fair to the licence holder and would therefore be in breach of Data Protection principles.

15 REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - 5/2020

The Assistant Director of Operations and Neighbourhoods submitted a report requesting that the Panel determine whether the applicant was a fit and proper person to hold the relevant licence in accordance with the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the written information submitted and heard the Regulatory Services Manager's case. He advised the Panel that the driver had held a Private Hire Vehicle's Licence with Tameside Metropolitan Borough Council since 1 April 1992.

On 6 November 2020 and 11 November 2020, the Licensing Manager received emails from the driver stating that they had been removed from the Uber operating system on 22 October 2020 due to an accumulation of complaints from customers. In January 2021, the Licensing Manager made enquiries with Uber to establish their reasons for terminating their partnership with the driver. It was explained that complaints had been received from customers alleging that the driver had been

threatening, made inappropriate comments and used racist language. The allegations of using racist language related to two separate incidents on 4 October 2020 and 19 October 2020.

The Licensing Office had also received an email on 21 January 2021 alleging that licenced vehicle PV0422 was in breach of Private Hire Vehicle Conditions due to not displaying the approved operator door signage. The licence holder was the driver of this vehicle.

The driver was interviewed by Regulatory Compliance Officers on 28 January 2021 regarding the accumulation of complaints during their tenure with Uber. The Regulatory Compliance Officer had also contacted previous operators the driver was known to have worked for to establish if there had been any previous complaints regarding their conduct. It was explained that Swift, Stamford Cars, Radio Cars and Hyde Accessible Transport Ltd had also received complaints from customers whilst the driver had worked for them.

The Panel were informed that the complaints from the aforementioned operators related to the driver being aggressive, having an 'attitude problem' and one particular incident at Tesco in Stalybridge where the driver was accused of shouting at two elderly ladies they were due to pick up from the supermarket. These complaints related to incidents that were alleged to have occurred between January 2015 and April 2019.

The Panel and the licence holder were then provided with the opportunity to ask questions of the Regulatory Services Manager.

The driver then addressed the Panel and advised that they had been a taxi driver for 29 years and in that time the Council had not received one complaint regarding their conduct towards passengers. In addition, the driver advised the Panel that they did not have any criminal convictions and their most recent DBS check did not show anything that caused concern.

The driver categorically denied all of the allegations against them and maintained that they were not a violent or racist person. They agreed that making inappropriate and racist remarks was not acceptable behaviour. The driver explained that they were a professional taxi driver who liked to make customers feel comfortable and relaxed, sometimes sharing a joke with passengers in their vehicle.

Addressing the specific complaints regarding their alleged use of racist and inappropriate language, and aggressive conduct, the driver explained that the complaints against them whilst working for Uber were malicious and an attempt by customers to try to gain free taxi rides from the company. The driver noted that there were only five complaints during their time working for Uber. The driver was unhappy that Uber had not made them aware of the allegations and they had only become aware of the nature of the complaints following the Regulatory Services Manager's investigation.

The driver advised that an allegation of aggressive behaviour whilst working for Uber towards a young woman, following her child being sick in their vehicle, was untrue. They explained that it was the complainant who had become verbally aggressive towards them when they advised they were unable to complete the journey in case the child was sick again.

Concerning the complaints relating to the driver's time working for Swift, Stamford Cars, Radio Cars and Hyde Accessible Transport Ltd, they highlighted that a former employer had described them as 'a big chap' who did 'not have an aggressive nature'. The driver advised that they were 6ft 4" in height and could sometimes be perceived as intimidating because of their stature.

In relation to the allegation of aggressive behaviour towards two elderly ladies at Tesco in Stalybridge, the driver claimed they had been shouted out by another driver at a busy taxi rank and one of the elderly ladies in question had defended them following a verbal attack from the other driver. The driver further explained that the complainant in this incident was the wife of the other driver and it was a malicious attempt to ruin their livelihood.

The driver informed the Panel that they were shielding due to Covid-19 but it was their intention to work for Call-a-Car in Denton, as a taxi driver, once they had finished shielding on 31 March 2021.

The Panel and the Regulatory Services Manager were then provided with the opportunity to ask questions of the driver.

At this juncture the licence holder, the Regulatory Services Manager and the Regulatory Compliance Officer left the meeting whilst the Panel deliberated on the application. The Legal Representatives and the Senior Democratic Services Officer remained in the meeting to give legal and procedural advice and took no part in the decision making process.

In determining the review, the Panel considered all of the information presented at the hearing in addition to the report and appendices submitted in advance of the hearing. The Panel considered the complaints made by Uber and the previous operators the driver was employed by and concluded that the complaints followed a pattern. The Panel was satisfied that the driver did make the racist comments as alleged, albeit they may have been made jokingly.

In mitigation, the Panel noted that the driver had been a taxi driver for 29 years and the Licensing Authority had not received any complaints about them prior to conducting their own enquiries for the purposes of the review hearing. In addition, their most recent DBS check showed no offences or any cause for concern.

The Panel determined that they were satisfied that the licence holder remained a fit and proper person to hold a Private Hire Vehicle's Licence and it was:-

RESOLVED

- i. That the licence holder would receive a written warning reminding them of their licence conditions and appropriate conduct whilst holding a Private Hire Vehicle's Licence with the Authority.**
- ii. That the licence holder would undergo formal training as directed by the Licensing Office.**

16 URGENT ITEMS

There were no urgent items for consideration.

CHAIR