

LICENSING PANEL

Friday, 13 April 2012

<u>Present:</u>	Councillor	WJ Davies (Chair)	
	Councillors	P Glasman	K Wood
		S Niblock	R Wilkins
		S Taylor	J Crabtree
<u>Apologies:</u>	Councillor	I Lewis	

129 APPOINTMENT OF CHAIR

Resolved -

(1) That Councillor W J Davies Chair items 1 to 6 on the agenda (minutes 129 to 136).

(2) That further to Councillor W J Davies having left the meeting, Councillor S Niblock take the Chair to consider items 7 to 12 on the agenda (minutes 137 to 142).

130 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were invited to consider whether they had any personal or prejudicial interests in connection with any of the items on the agenda and if so, to declare them and state what they were.

Councillor S Niblock declared a personal and prejudicial interest in respect of the item of Any Other Business - Overage Vehicle - Volkswagen Passat, Registration Number YG03 PDU - by virtue of being acquainted with the applicant.

Councillor S Taylor declared a personal interest in respect of item 11 - Private Hire Driver Licence - Conviction Received (KSJ) - by virtue of herself and the applicant being employees of Merseytravel.

131 OVERAGE VEHICLE - PEUGEOT 406, REGISTRATION NUMBER K8MFK

The Director of Law, HR and Asset Management reported upon an application received to re-licence a Peugeot 406, registration number K8 MFK, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had already been re-licensed for a further six months on 20 October 2011. It had been licensed as a private hire vehicle since 1 September 2004 and had passed the compliance test necessary for a licence to be issued.

The owner of the vehicle was present at the meeting with his vehicle which members of the Panel inspected.

Resolved - That the application to re-licence a Peugeot 406, registration number K8 MFK, be granted for a further six months.

132 **ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - PART 1 - OVERAGE VEHICLE - VOLKSWAGEN PASSAT, REGISTRATION NUMBER YG03 PDU**

Councillor S Niblock declared a personal and prejudicial interest in this matter by virtue of his acquaintance with the applicant and left the room during its consideration (see minute 130 ante).

The Director of Law, HR and Asset Management reported upon an application received to re-licence a Volkswagen Passat, Registration Number YG03 PDU, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had already been re-licensed for a further six months on 24 April 2011 and upon expiry of that licence on 24 October 2011 was granted a further six months by the Licensing Panel. It had been licensed as a private hire vehicle since 24 April 2012 and had passed the compliance test necessary for a licence to be issued.

The owner of the vehicle was present at the meeting with his vehicle which members of the Panel inspected.

Resolved - That the application to re-licence a Volkswagen Passat, registration number YG03 PDU, be granted for a further six months.

133 **ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - PART 1 - OVERAGE VEHICLE, ROVER 45, REGISTRATION NUMBER VN53 GMY**

The Director of Law, HR and Asset Management reported upon an application received to re-licence a Rover 45, registration number VN53 GMY, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had already been re-licensed for a further six months on 23 October 2011. It had been licensed as a private hire vehicle since 2 December 2004 and had passed the compliance test necessary for a licence to be issued.

The owner of the vehicle was present at the meeting with his vehicle which members of the Panel inspected.

Resolved (4:1) - That the application to re-licence the Rover 45, registration number VN53 GMY, be granted for a further six months subject to work identified being carried out and a further inspection being undertaken by the Licensing Officer prior to renewal of the Licence.

134 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest Test had been applied and favoured exclusion.

135 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (TML)**

The Director of Law, HR and Asset Management reported upon an application received by Mr TML for the grant of a Private Hire Driver's Licence. Mr TML attended the meeting and made representations in respect of his application for a Private Hire Driver's Licence.

Resolved - That Mr TML's application for the grant of a Private Hire Driver's Licence be approved.

136 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (DAM)**

The Director of Law, HR and Asset Management reported upon an application received by Mr DAM for the grant of a Private Hire Driver's Licence. Mr DAM attended the meeting and made representations in respect of his application for a Private Hire Driver's Licence.

Resolved - That Mr DAM's application for the grant of a Private Hire Driver's Licence be approved.

COUNCILLOR W J DAVIES LEFT THE MEETING. COUNCILLOR S NIBLOCK IN THE CHAIR. COUNCILLOR J CRABTREE IN ATTENDANCE AS DEPUTY FOR COUNCILLOR W J DAVIES.

Prior leaving the meeting, the Chair wished to place on record his thanks to Councillors R Wilkins and K Wood for their excellent service on this Committee.

137 **PRIVATE HIRE DRIVER LICENCE - APPLICATION TO RENEW (GDE)**

Councillor P Glasman in attendance for consideration of this matter.

The Director of Law, HR and Asset Management reported upon an application received by Mr GDE to renew his Private Hire Driver's Licence. Mr GDE attended the meeting and made representations in respect of his application to renew his Private Hire Driver's Licence.

Members heard representations from Mr GDE as well as other material information relevant to his personal circumstances.

In determining the matter, Members had regard to their Policy, in particular paragraphs 1.4 and 5.1, as well as their overriding responsibility in respect of the protection of the public. Members also considered the Proportionality Principle under the Human Rights Act 1998 and determined that the safety of the public is of paramount concern.

Members considered the convictions recorded against Mr GDE, his current medical health and the fact that he failed to disclose his most recent conviction to the Licensing Authority as required until after the full facts had been presented to him by the Licensing Officer following receipt of these from the Court Service.

Resolved - That Mr GDE's application to renew his Private Hire Driver's Licence be refused.

138 **HACKNEY CARRIAGE DRIVER LICENCE - APPLICATION (DJJ)**

The Director of Law, HR and Asset Management reported upon an application received by Mr DJJ for the grant of a Private Hire Driver's Licence. Mr DJJ attended the meeting together with his representative, Mr Cummins, and made representations in respect of his application for a Private Hire Driver's Licence.

The Council's policy for licensing Private Hire Drivers states that an applicant would generally be refused a licence for a period of at least two years after the restoration of their DVLA driving licence following a conviction, however, Members considered that the applicant had exceptional circumstances in this case.

Resolved - That Mr DJJ's application for the grant of a Private Hire Driver's Licence be approved subject to Mr DJJ undertaking the NVQ by 12 July 2012.

139 **HACKNEY CARRIAGE DRIVER LICENCE -APPLICATION TO RENEW (GAR)**

Councillor P Glasman in attendance for consideration of this matter.

The Director of Law, HR and Asset Management reported upon an application received by Mr GAR to renew his Hackney Carriage Driver's Licence. Mr GAR attended the meeting and made representations in respect of his application to renew his Hackney Carriage Driver's Licence.

Resolved -

(1) That Mr GAR's application to renew his Hackney Carriage Driver's Licence be granted.

(2) That Mr GAR be given a written warning as to his future conduct.

140 **PRIVATE HIRE DRIVER - CONVICTION RECEIVED (GRA)**

The Director of Law, HR and Asset Management reported on an application received by Mr GRA to consider whether he should continue to hold a Private Hire Driver's Licence. Mr GRA did not attend the meeting.

Resolved - That the applicant be instructed to attend a future meeting of the Licensing Panel should he wish to pursue his application.

141 **PRIVATE HIRE DRIVER LICENCE - CONVICTION RECEIVED (KSJ)**

Councillor S Taylor declared a personal interest in this matter by virtue of her employment (see minute 130 ante).

The Director of Law, HR and Asset Management reported on an application received by Mr KSJ to consider whether he should continue to hold a Private Hire Driver's Licence. Mr KSJ attended the meeting and made representations in respect of his application.

Members gave due consideration to Mr KSJ's representations.

Resolved -

(1) That Mr KSJ be allowed to continue to hold a Private Hire Driver's Licence.

(2) That Mr KSJ be given a written warning as to his speeding.

142 PRIVATE HIRE DRIVER LICENCE - CONVICTION RECEIVED (MGT)

Councillor P Glasman in attendance for consideration of this matter.

The Director of Law, HR and Asset Management reported on an application received by Mr MGT to consider whether he should continue to hold a Private Hire Driver's Licence. Mr MGT attended the meeting and made representations in respect of his application.

Members gave due consideration to Mr MGT's representations.

Resolved - **That Mr MGT be allowed to continue to hold a Private Hire Driver's Licence subject to completion of the NVQ by 12 July 2012.**