

LICENSING PANEL

Friday, 14 February 2014

<u>Present:</u>	Councillor	WJ Davies (Chair)	
	Councillors	S Niblock AER Jones	P Williams A Hodson
<u>Apologies:</u>	Councillors	J Salter M Hornby	

72 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

Councillor W J Davies declared a non pecuniary interest in item 11 (minute 82) by virtue of being acquainted with the applicant and his family.

73 HACKNEY CARRIAGE PROPRIETOR LICENCE ALLOCATION POLICY - RANDOM SELECTION PROCESS

The Strategic Director of Regeneration and Environment reported that Members were required to undertake the random selection process for the allocation of one available Hackney Carriage Vehicle Licence.

It was reported that a limit of 289 Hackney Carriage Proprietor Licences was imposed at a meeting of the Licensing, Health and Safety and General Purposes Committee on 23 January 2012 and that at the meeting held on 25 September 2012 it was resolved that a random selection process be approved for the allocation of available licences and that this would be made using a computer programme at future meetings of the Licensing Panel.

Members were informed that Random Selection Processes took place on 1 March, 12 April, 14 June and 13 September and 15 November 2013 and that the availability of four Hackney Carriage Proprietor Licences was advertised and sixteen applications were received. The outcome of these processes was that one licence remained available.

Members were asked to run the computer programme which would randomly select one number between 1 and 3.

None of the applicants were in attendance at the meeting and Councillor Niblock ran the computer programme which selected the successful applicant.

Resolved - That the available Hackney Carriage Proprietor Licence be allocated to number 2, the applicant being Mr Evans.

74 **PRIVATE HIRE VEHICLE LICENCE - MERCEDES VITO - APPLICATION TO LICENSE TWO FRONT SEAT PASSENGERS**

The Strategic Director of Regeneration and Environment reported on an application received to license a Mercedes Vito as a private hire vehicle to carry eight passengers, two passengers being carried in the front.

Members were informed that two applications to license a Mercedes Vito to carry two front seat passengers had previously been refused but that the specification of the vehicle had changed since the original applications in 2001.

The applicant attended the meeting together with an acquaintance who brought his Mercedes Vito which members of the Panel inspected.

Further to questions raised by Members it was clarified that the Mercedes Vito that was being requested to be licensed to carry eight passengers was on order but that the vehicle Members inspected was of the same specification. Members also inspected the applicant's current vehicle, a Volkswagen Transporter, which was licensed to carry eight passengers in order to make a comparison.

Members considered the representations made but took the view that there was not sufficient space for two adult passengers to sit comfortably and safely in the front of the vehicle due to the position of the centre console.

Resolved – That the application to license a Mercedes Vito to carry eight passengers, two passengers being carried in the front, be refused.

75 **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.

76 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (RJO)**

Councillor W J Davies declared a non pecuniary interest in this matter and left the meeting during its consideration.

Councillor S Niblock in the Chair.

The Strategic Director of Regeneration and Environment reported upon an application received by Mr RJO for the grant of a Private Hire Driver's Licence. Mr RJO attended the meeting and made representations in respect of his application for a Private Hire Driver's Licence.

Members gave due consideration to Mr RJO's representations and the nature of the convictions recorded against him.

Members had due regard to their Policy, however, after careful consideration of the representations made, exercised their right to consider each case on its own merits and on this occasion Members were persuaded to act outside of their Policy in determining this application.

Resolved (3:1) – That Mr RJO’s application for the grant of a Private Hire Driver’s Licence be approved.

77 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (LMG)**

The Strategic Director of Regeneration and Environment reported upon an application received by Mr LMG for the grant of a Private Hire Driver’s Licence. Mr LMG attended the meeting and made representations in respect of his application for a Private Hire Driver’s Licence.

Members gave due consideration to Mr LMG’s representations and to the nature of the convictions recorded against him.

After careful consideration of the representations made, Members exercised their right to consider each case on its own merits and on this occasion Members were persuaded to act outside of their Policy in determining this application.

Resolved – That Mr LMG’s application for the grant of a Private Hire Driver’s Licence be approved.

78 **PRIVATE HIRE DRIVER LICENCE - CONVICTION (DG)**

The Strategic Director of Regeneration and Environment submitted a report for Members to consider whether Mr DG should continue to hold a Private Hire Driver’s Licence. Mr DG attended the meeting and made representations in respect of this report.

Members gave due consideration to Mr DG’s representations and exercised their rights to consider each case on its individual merits in light of the representations made.

Members were mindful of paragraph 8.5 of their Policy, however on this occasion Members were persuaded to act outside of their Policy in determining this matter.

Resolved (4:1) -

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

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

(3) That Mr DG complete a Driver Awareness Course by 3 April 2014 prior to the renewal of his Private Hire Driver’s Licence.

79 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (NCH)**

The Strategic Director of Regeneration and Environment reported upon an application received by Mr NCH for the grant of a Private Hire Driver's Licence. Mr NCH attended the meeting together with his mother and made representations in respect of his application for a Private Hire Driver's Licence.

The applicant clarified that he was content for his mother to remain in the meeting despite the matter being exempt.

The Licensing Panel heard representations from Mr NCH regarding the circumstances and nature of his cautions as well as the incident which occurred on the 4 July 2010. Members accepted the explanation provided by him regarding the cautions and did not take these into consideration in coming to their determination.

Members noted that whilst Mr NCH had been acquitted of the serious criminal offences with which he was charged, they nevertheless had particular regard to the fact that Merseyside Police considered it was necessary and appropriate to disclose the information on the criminal record check because they believed that the granting of a private hire driver licence to him would pose a risk to vulnerable individuals.

The Licensing Panel also considered their Policy for the licensing of Hackney Carriage and Private Hire Drivers as well as the Proportionality Principle under the Human Rights Act 1998 and considered that in view of the nature of private hire work, the protection of the public was paramount.

Resolved - That Mr NCH's application for the grant of a Private Hire Driver's Licence be refused as Members did not consider him to be a fit and proper person to hold such a licence.

Councillor A Jones left the meeting.

80 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (SGJ)**

The Strategic Director of Regeneration and Environment reported upon an application received by Mr SGJ for the grant of a Private Hire Driver's Licence. Mr SGJ attended the meeting and made representations in respect of his application for a Private Hire Driver's Licence.

Members gave due consideration to Mr SGJ's representations and the nature of the convictions recorded against him.

Members had due regard to their Policy, however, after careful consideration of the representations made, exercised their right to consider each case on its own merits and on this occasion Members were persuaded to act outside of their Policy in determining this application.

Resolved (3:1) – That Mr SGJ's application for the grant of a Private Hire Driver's Licence be approved.

81 **HACKNEY CARRIAGE DRIVER LICENCE - APPLICATION (ALJ)**

The Strategic Director of Regeneration and Environment reported upon an application received by Mr ALJ for the grant of a Hackney Carriage Driver's Licence.

Mr ALJ attended the meeting and made representations in respect of his application for a Hackney Carriage Driver's Licence.

Members gave due consideration to Mr ALJ's representations.

Members had due regard to their Policy, however, after careful consideration of the representations made, exercised their right to consider each case on its own merits and on this occasion Members were persuaded to act outside of their Policy in determining this application.

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