

LICENSING PANEL

Friday, 1 May 2015

Present: Councillors WJ Davies (Chair)
A Hodson
S Niblock
J Salter

Apologies: Councillors M Hornby
P Williams

89 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.

No such declarations were made.

90 HACKNEY CARRIAGE VEHICLE LICENCE APPLICATION

The Strategic Director of Regeneration and Environment reported on an application to license a LTI TXI, registration number WX03 FPE as a Hackney Carriage Vehicle contrary to the following resolution of the Licensing, Health and Safety and General Purposes Committee at its meeting on 22 May 2013:

In circumstances when a Hackney Carriage Vehicle proprietor wishes to change a Hackney Carriage Vehicle that is currently licensed to a different vehicle, the replacement vehicle must be the same age or less than the vehicle that is currently licensed up to a maximum of ten years old. Vehicles that are ten years old or more must be replaced by a vehicle that is no more than ten years old and that this Policy is to have immediate effect.

The owner of the vehicle, the applicant, was present at the meeting with his vehicle which members of the Panel inspected. The vehicle currently licensed was seventeen years old and the proposed replacement vehicle was therefore younger than this however the vehicle did not satisfy the requirement that the replacement vehicle was no more than ten years old.

The application had been considered by the Licensing, Health and Safety and General Purposes Committee on 25 March 2015, however, the vehicle had not been subject to a compliance test and a number of concerns regarding the condition of the vehicle were raised by Members and the application was refused.

The vehicle had since been tested with a number of repairs having been carried out and the compliance and MOT certificates were available for inspection by Members.

Members considered the representations made and decided to act outside of their Policy on this occasion due to the condition of the vehicle.

Resolved – That the vehicle, registration number WX03 FPE be licensed as a Hackney Carriage Vehicle.

91 **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.

92 **PRIVATE HIRE DRIVER LICENCE (EFK)**

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

The Licensing Panel heard representations from Mr EFK regarding the circumstances and the nature of his convictions.

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 EFK's application for the grant of a Private Hire Driver Licence be approved.

93 **PRIVATE HIRE DRIVER LICENCE (SDA)**

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

Members considered the representations made by Mr SDA regarding the nature and number of his convictions as well as other material information relevant to his application. Members considered their Policy guidelines and had particular regard to Mr SDA's demeanour and attitude as well as the convictions recorded against him and the fact that he had failed to disclose these convictions on his application form.

Members applied the principle of proportionality enshrined within the Human Rights Act 1998 and considered that the protection and safety of members of the public was of paramount concern.

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

94 **PRIVATE HIRE DRIVER LICENCE (DG)**

The Strategic Director of Regeneration and Environment reported upon an application received by Mr DG to renew his Private Hire Driver Licence.

Mr DG attended the meeting and made representations in respect of his application to renew his Private Hire Driver Licence.

Resolved (3:1) (Councillor S Niblock dissenting) –

(1) That Mr DG's Private Hire Driver Licence be renewed but suspended with immediate effect.

(2) That Mr DG attend a further Driver Awareness Course and that Members be provided with the Driver Assessment Report.

95 **HACKNEY CARRIAGE DRIVER LICENCE (KM)**

The Strategic Director of Regeneration and Environment reported upon an application received by Mr KM to renew his Hackney Carriage Driver Licence.

Mr KM attended the meeting and made representations in respect of his application to renew his Hackney Carriage Driver Licence.

Resolved –

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

(2) That Mr KM's Hackney Carriage Driver Licence be suspended with immediate effect if he fails to complete a Driver Awareness Course on or before 31 May 2015.

(3) That Mr KM be given a strong written warning as to his future conduct.