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LICENSING PANEL

Thursday, 24 September 2020

Present: Councillors A Hodson
M Collins
T Norbury

144 APPOINTMENT OF CHAIR

In the absence of the Chair, it was –

Resolved – That Councillor A Hodson be appointed Chair for this meeting.

145 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.

146 PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA PRIUS, REGISTRATION NUMBER JC56 ASH

The Director of Governance and Assurance reported upon an application received to licence a Toyota Prius, registration number JC56 ASH, beyond the normal overage date for a licensed private hire vehicle. The vehicle had previously been licensed as a Private Hire Vehicle from 8 May 2018 until 25 June 2020 when the licence was not renewed. The date of first registration of the vehicle was 15 October 2010. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel inspected photographs of the vehicle.

Resolved – That the application to licence the Toyota Prius, registration number JC56 ASH for six months be granted.

147 HACKNEY CARRIAGE VEHICLE LICENCE - LTI TX4, REGISTRATION NUMBER BF09 TXN

The Director of Governance and Assurance reported upon an application received to licence a LTI TX4, registration number BF09 TXN as a Hackney Carriage Vehicle. The current criteria states that "every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier)". The date of first registration of the vehicle was 25 March 2009 and therefore the vehicle is over three years old. The vehicle had previously been licensed as a Hackney Carriage

Vehicle from 28 June 2013 until 27 June 2020 when the licence was not renewed. The vehicle had then been purchased by Wirral Car Solutions Ltd.

The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel inspected photographs of the vehicle.

Resolved – That the application to licence the LTI TX4, registration number BF09 TXN as a Hackney Carriage Vehicle be granted subject to the following conditions:

- The driver seat must be replaced;
- The vehicle be valeted prior to the licence being issued;
- Matching wheel trims must be fitted to the vehicle; and
- A condition be attached to the licence stating that the vehicle must be presented for inspection by a Licensing Officer should this be requested and failure to do so will result in the Hackney Carriage Vehicle Licence being suspended with immediate effect.

148 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - LTI TXII, REGISTRATION NUMBER LB54 OSN**

The Director of Governance and Assurance reported upon an application received to licence a LTI TXII, registration number LB54 OSN as a Hackney Carriage Vehicle.

On 22 May 2013 Members of the Licensing, Health and Safety and General Purposes Committee resolved that “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 Licensing Panel be delegated with the authority to act outside this policy.” Members were asked to consider the application submitted by the applicant, to change the vehicle that is currently licensed as a Hackney Carriage Vehicle, registration number T946 BFM which is 21 years old, to the vehicle registration number LB54 OSN which is 15 years old.

The current vehicle licence was due to expire on 24 September 2020. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of phone call and Members of the Panel inspected photographs of the vehicle.

Members gave consideration to the extenuating circumstances caused by the Covid-19 pandemic.

Resolved – That the application to licence the LTI TXII, registration number LB54 0SN as a Hackney Carriage Vehicle be granted subject to the following conditions:

- The driver seat must be repaired;
- The vehicle be valeted prior to the licence being issued; and
- A condition be attached to the licence stating that the vehicle must be presented for inspection by a Licensing Officer should this be requested and failure to do so will result in the Hackney Carriage Vehicle Licence being suspended with immediate effect.

149 **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.

150 **PRIVATE HIRE DRIVER LICENCE (AA)**

The Director of Governance and Assurance submitted a report for Members to consider whether Mr AA should continue to hold a Private Hire Driver Licence.

Mr AA did not attend the meeting.

Resolved – That the decision in respect of this matter be delegated to officers.

151 **PRIVATE HIRE DRIVER LICENCE (CJE)**

The Director of Governance and Assurance submitted a report for Members to consider whether Mr CJE should continue to hold a Private Hire Driver Licence.

Mr CJE attended the meeting by way of phone call and made representations. Members questioned Mr CJE.

Members considered carefully the representations made by Mr CJE.

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

Resolved – That Mr CJE be allowed to continue to hold a Private Hire Driver Licence subject to him successfully completing an NVQ in Road Passenger Vehicle Driving by 15 December 2020.

152 **PRIVATE HIRE DRIVER LICENCE (MDKR)**

The Director of Governance and Assurance submitted a report for Members to consider whether Mr MDKR should continue to hold a Private Hire Driver Licence. Members were made aware that Mr MDKR also held a Hackney Carriage Driver

Licence and therefore also considered whether he should continue to hold a Hackney Carriage Driver Licence.

Mr MDKR attended the meeting by way of video conference and made representations. Members questioned Mr MDKR.

Members considered carefully the representations made by Mr MDKR.

In determining the matter Members also gave serious consideration to their overriding responsibility in respect of the protection and safety of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998 and considered that in seeking to ensure the legitimate aim of the protection and safety of the public, a revocation of the licences with immediate effect was justified in the circumstances.

Resolved – That, in the interests of public safety, Mr MDKR's Private Hire Driver Licence and Hackney Carriage Driver Licence be revoked with immediate effect.