

LICENSING PANEL

Wednesday, 16 August 2023

Present:

Councillors S Bennett
G Davies
B Hall
K Murphy
J Stewart Laing

31 **APPOINTMENT OF CHAIR**

In the absence of the Chair, it was –

Resolved – That the Vice-Chair, Councillor S Bennett be appointed Chair for this meeting.

32 **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.

33 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - RENAULT TRAFIC, REGISTRATION NUMBER LX61 DGE**

The Director of Law and Governance reported upon an application received to license a Renault Trafic, registration number LX61 DGE, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 3 September 2018 and the current licence was due to expire on 21 August 2023. The date of first registration of the vehicle was 21 February 2012. It was reported that should a licence be granted, the vehicle would be used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The Fleet Manager, on behalf of the proprietor of the vehicle attended the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Renault Traffic, registration number LX61 DGE, as a Private Hire Vehicle be granted for six months.

34 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - IVECO-FORD DAILY, REGISTRATION NUMBER WA60 EWG**

The Director of Law and Governance reported upon an application received to license an Iveco-Ford Daily, registration number WA60 EWG, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 31 August 2018 and the current licence was due to expire on 16 August 2023. The date of first registration of the vehicle was 20 December 2010. It was reported that should a licence be granted, the vehicle would be used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The Fleet Manager, on behalf of the proprietor of the vehicle attended the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Iveco-Ford Daily, registration number WA60 EWG, as a Private Hire Vehicle be granted for six months.

35 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA AVENSIS, REGISTRATION NUMBER MX63 AKJ**

The Director of Law and Governance reported upon an application received to license a Toyota Avensis, registration number MX63 AKJ, outside the current age policy for licensing Private Hire Vehicles. The vehicle had first been licensed as a Private Hire Vehicle on 8 August 2014 and the current licence was due to expire on 3 September 2023. The date of first registration of the vehicle was 4 September 2013. The vehicle had been examined at one of the Council's authorised testing stations and the MOT and Compliance pass certificates had been provided to Members.

The licensed driver, on behalf of the proprietor of the vehicle attended the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Toyota Avensis, registration number MX63 AKJ, as a Private Hire Vehicle be granted for six months.

36 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD TRANSIT CONNECT, REGISTRATION NUMBER SF66 DUA**

The Director of Law and Governance reported upon an application received to license a Ford Transit Connect, registration number SF66 DUA, outside the current criteria for licensing Private Hire Vehicles which states that the vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver. The vehicle had been manufactured to be wheelchair accessible and to carry one wheelchair passenger whilst seated in their wheelchair and two further passengers who are not seated in a wheelchair. The date of first registration of the vehicle was 7 September 2016. Should the application be granted it would be necessary for the vehicle to be examined at one of the Council's authorised testing stations for it to receive a valid MOT and Compliance certificate.

The proprietor of the vehicle attended the meeting with the vehicle which Members of the Panel inspected. The applicant set out details as to how he intended to operate the vehicle which is capable of transporting a variety of wheelchair models and mobility scooters. He advised the Panel that should the Licence be granted for the vehicle he would apply for a Private Hire Operator Licence.

In making their decision Members gave particular regard to the fact that by granting the application, this would increase mobility for individuals who wish to travel whilst seated in their wheelchairs.

Resolved –

- (1) That the application to license the Ford Transit Connect, registration number SF66 DUA, as a Private Hire Vehicle be granted.**
- (2) That the following conditions be applied to the Private Hire Vehicle Licence which will also be applied to the Private Hire Operator Licence:**
 - All bookings must be made at least 24 hours in advance.**
 - At least one passenger must be a wheelchair user who remains seated in their wheelchair during the journey.**

37 **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 item of business on the grounds that it involves 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.

38 PRIVATE HIRE DRIVER LICENCE REVIEW (MDFM)

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

MDFM attended the meeting with their daughter and made representations. MDFM responded to questions from Members and the legal advisor to the Panel.

Members considered carefully the responses made by MDFM.

In determining the matter Members 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 licence with immediate effect was justified in the circumstances.

Resolved – That, in the interests of public safety, MDFM’s Private Hire Driver Licence be revoked with immediate effect.

Councillor B Hall left the meeting prior to consideration of the following matter.

39 PRIVATE HIRE DRIVER LICENCE REVIEW (SJMCC)

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

SJMcC attended the meeting with their legal representative and made representations. SJMcC responded to questions from Members and the legal advisor to the Panel.

Members considered carefully the responses made by SJMcC.

In determining the matter Members 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 licence with immediate effect was justified in the circumstances.

Resolved – That, in the interests of public safety, SJMcC’s Private Hire Driver Licence be revoked with immediate effect.