

LICENSING PANEL

Friday, 20 October 2023

Present: Councillor A Hodson (Chair)
S Bennett
G Davies
B Hall
J Stewart Laing

77 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 S Bennett declared a personal interest in Item 2 – Private Hire Vehicle Licence Application – Volvo V40, Registration Number WK15 ZFH, by virtue of being acquainted with the applicant (minute 78 refers).

78 PRIVATE HIRE VEHICLE LICENCE APPLICATION - VOLVO V40, REGISTRATION NUMBER WK15 ZFH

Councillor S Bennett declared a personal interest in this matter and left the room during its consideration (minute 77 refers).

The Director of Law and Governance reported upon an application received to license a Volvo V40, registration number WK15 ZFH, as a Private Hire Vehicle outside the current criteria which states that side and rear windows must allow at least 70% of light to be transmitted through.

The current criteria that vehicles must comply with before being granted a Private Hire Vehicle Licence as set out in the Statement of Hackney Carriage and Private Hire Licensing Policy states that: The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through. It was reported that the rear passenger windows allow 65% of light through and also that the step into the vehicle measures more than 38cm.

It was reported that the date of first registration of the vehicle was 19 May 2015 and that should the application be granted it would be necessary for the vehicle to be examined at one of the Council's authorised testing stations in order for it to receive a valid MOT and Compliance certificate.

The applicant attended the meeting with the vehicle which was inspected by Members.

Members requested that a Licensing Officer conduct a further inspection of the vehicle and it was subsequently reported that the rear passenger windows allow 71-72% of light through which therefore complied with the current criteria.

Resolved –

- (1) That due to the vehicle complying with the current criteria, the application to license the Volvo V40, registration number WK15 ZFH, as a Private Hire Vehicle be granted.**
- (2) That the vehicle be licensed with an exemption from carrying a portable step.**

79 **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.

80 **PRIVATE HIRE DRIVER LICENCE APPLICATION (JCW)**

The Director of Law and Governance submitted a report for Members to consider whether JCW should be granted a Private Hire Driver Licence.

JCW attended the meeting and made representations in respect of the application. JCW responded to questions from Members of the Panel and the legal advisor to the Panel.

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

Resolved - That JCW's application for a Private Hire Driver Licence be granted.

81 **PRIVATE HIRE DRIVER LICENCE REVIEW (MKM)**

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

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

Members considered carefully the responses made by MKM and their representative.

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, MKM’s Private Hire Driver Licence be revoked with immediate effect.