

LICENSING PANEL

Friday, 12 July 2024

Present: Councillor A Hodson (Chair)

Councillors S Bennett B Hall
L Luxon-Kewley

10 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor A Hodson declared a personal interest in item 7 (Private Hire Driver Licence Review (RF)) as he had recognised the applicant but had not been acquainted with him for approximately 20 years.

11 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 Please note that public seating is limited, therefore members of the public are encouraged to arrive in good time. Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact committeeservices@wirral.gov.uk Private Document Pack they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part 1 of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

12 PRIVATE HIRE DRIVER LICENCE REVIEW (CJC)

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

CJC attended the meeting and made representations to the Licensing Panel and 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 right to consider each case on its individual merits in light of the representations made.

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.

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

13 **PRIVATE HIRE DRIVER LICENCE APPLICATION (JC)**

The Director of Law and Corporate Services submitted a report for Members to consider whether JC should be permitted to resit the Knowledge Test outside of the Council’s Statement of Hackney Carriage and Private Hire Licensing Policy which states that an individual who fails to pass the test on the second attempt will be prohibited from taking the test for a period of six months.

JC did not attend the meeting, however it was resolved to consider the matter in their absence.

Members exercised their right to consider each case on its individual merits.

Resolved – That JC be permitted to retake the Knowledge Test. The Licensing Panel further resolved that should JC pass the Knowledge Test on or before 31 July 2024 there will be no requirement to undertake a further DBS check, subject to JC declaring that there has been no change to the record that had been submitted.

14 **PRIVATE HIRE DRIVER LICENCE APPLICATION (ESM)**

The Director of Law and Corporate Services submitted a report for Members to consider whether ESM should be permitted to resit the Knowledge Test outside of the Council’s Statement of Hackney Carriage and Private Hire Licensing Policy which states that an individual who fails to pass the test on the second attempt will be prohibited from taking the test for a period of six months.

ESM did not attend the meeting, however it was resolved to consider the matter in their absence.

Members exercised their right to consider each case on its individual merits.

Resolved – That ESM be permitted to retake the Knowledge Test.

15 **PRIVATE HIRE DRIVER LICENCE APPLICATION (AO)**

The Director of Law and Corporate Services submitted a report for Members to consider whether AO should be permitted to resit the Knowledge Test outside of the Council’s Statement of Hackney Carriage and Private Hire

Licensing Policy which states that an individual who fails to pass the test on the second attempt will be prohibited from taking the test for a period of six months.

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

Resolved – That AO be permitted to retake the Knowledge Test.

16 **PRIVATE HIRE DRIVER LICENCE REVIEW (RF)**

Councillor A Hodson declared a personal interest in this item as he recognised the applicant but had not been acquainted with him for approximately 20 years. The applicant advised that he had no objections to Councillor A Hodson remaining as a Member of the Licensing Panel in determining this item.

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

RF attended the meeting with their Legal Representative and made representations to the Licensing Panel. They 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 right to consider each case on its individual merits in light of the representations made.

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.

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

17 **HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE (MD)**

The Director of Law and Governance submitted a report for Members to consider whether MD is a fit and proper person to continue to hold a Hackney Carriage Driver Licence and whether he is a fit and proper person to be granted a private hire driver licence.

MD did not attend.

Resolved – That MD be advised that should they fail to attend a future meeting of the Licensing Panel the matter may be dealt with in their absence.
