

LICENSING PANEL

Friday, 15 November 2013

<u>Present:</u>	Councillor	WJ Davies (Chair)	
	Councillors	S Niblock AER Jones P Williams	M Hornby A Hodson
<u>Apologies:</u>	Councillor	J Salter	

48 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.

49 HACKNEY CARRIAGE PROPRIETOR LICENCE ALLOCATION POLICY - RANDOM SELECTION PROCESS

The Strategic Director of Regeneration and Environment reported that Members were required to undertake the random selection process for the allocation of one available Hackney Carriage Vehicle Licence.

It was reported that a limit of 289 Hackney Carriage Proprietor Licences was imposed at a meeting of the Licensing, Health and Safety and General Purposes Committee on 23 January 2012 and that at the meeting held on 25 September 2012 it was resolved that a random selection process be approved for the allocation of available licences and that this would be made using a computer programme at future meetings of the Licensing Panel.

Members were informed that Random Selection Processes took place on 1 March, 12 April, 14 June and 13 September 2013 and that the availability of four Hackney Carriage Proprietor Licences was advertised and sixteen applications were received. The outcome of these processes is that one licence remained available.

Members were asked to run the computer programme which would randomly select one number between 1 and 4.

None of the applicants were in attendance at the meeting and Councillor Niblock ran the computer programme which selected the successful applicant.

Resolved - That the available Hackney Carriage Vehicle Proprietor Licence be allocated to number 2, the applicant being Mr Abiru.

50 OVERAGE VEHICLE - VAUXHALL ASTRA, REGISTRATION NUMBER DE52 HNK

The Strategic Director of Regeneration and Environment reported on an application received to re-licence a Vauxhall Astra, registration number DE52 HNK, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had previously been re-licensed for a further six months on the 11 November 2010 under delegated powers, and a further six months on 14 May 2011, 14 November 2011, 14 May 2012 and the 14 November 2013 by the Licensing Panel. It had been licensed as a private hire vehicle since 11 November 2002 and had passed the compliance test necessary for a licence to be issued.

The owner of the vehicle was present and at the meeting with his vehicle which members of the Panel inspected.

Members considered the representations made and decided to act outside their policy on this occasion.

Resolved –

(1) That the application to re-licence the Vauxhall Astra, registration number DE52 HNK be granted for a further six months.

(2) That the seat covers must be replaced within 7 days and a further inspection of the vehicle be undertaken by a Licensing Officer.

51 OVERAGE VEHICLE - FORD GALAXY ZETEC TDI, REGISTRATION NUMBER OV03 NNE

The Strategic Director of Regeneration and Environment reported on an application received to re-licence a Ford Galaxy Zetec TDI, registration number OV03 NNE, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had previously been re-licensed for a further six months on the 11 November 2011, 8 June 2012, 14 December 2013 and 10 May 2013 by the Licensing Panel. It had been licensed as a private hire vehicle since 2 August 2007 and had passed the compliance test necessary for a licence to be issued.

The owner of the vehicle was present and at the meeting with his vehicle which members of the Panel inspected.

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

Resolved – That the application to re-licence the Ford Galaxy Zetec TDI, registration number OV03 NNE be granted for a further six months.

52 HACKNEY CARRIAGE VEHICLE LICENCE - APPLICATION - PEUGEOT E7, REGISTRATION NUMBER SJ57 LHB

The Strategic Director of Regeneration and Environment reported upon an application received to license a Peugeot E7, registration number SJ57 LHB, as a Hackney Carriage Vehicle. The applicant did not attend the meeting.

Resolved - That the applicant be instructed to attend a future meeting of the Licensing Panel should they wish to pursue the application.

53 **ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - PART 1 - STREET COLLECTION**

The Strategic Director of Regeneration and Environment reported upon an application received from Linda Parr on behalf of Bromborough Village Community Association for a street collection to take place on Saturday 30 November 2013 in Allport Lane, Bromborough.

Street Collection Permits are granted by the Council on a Saturday only, to national and local Wirral charities, with only one collection being carried out on any one Saturday in any one area. Bromborough Village Community Association had previously held a Street Collection on 29 June 2013 within the Bromborough area and as a further request has been received for the same area the application could not be determined under delegated powers.

Resolved – That the request for a street collection to take place on 30 November 2013 in Allport Lane Bromborough be granted.

54 **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.

Councillor A Hodson left the meeting.

55 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (ATB)**

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

Members considered the representations made by Mr ATB regarding his convictions and the circumstances surrounding them and also had regard to their Policy, however, Members were not provided with any new information that persuaded them to act outside of their Policy.

The Panel considered the Proportionality Principle under the Human Rights Act 1998 but that the protection and safety of the public outweighed this and was of paramount concern to Members.

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

Councillor W J Davies left the meeting. Councillor S Niblock in the Chair

PRIVATE HIRE DRIVER LICENCE - APPLICATION (ADA)

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

Members gave due consideration to Mr ADA's representations and to the nature of the convictions recorded against him.

After careful consideration of the representations made, Members 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 –

(1) That Mr ADA's application for the grant of a Private Hire Driver's Licence be approved.

(2) That Mr ADA be given a strong warning regarding the upkeep of his vehicle.