

LICENSING PANEL

Friday, 14 March 2014

Present: Councillor WJ Davies (Chair)

Councillors S Niblock P Williams
J Salter M Hornby
AER Jones A Hodson

82 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 A Hodson declared a non pecuniary interest in item 3 (minute 84) by virtue of being acquainted with the applicant.

Councillor W J Davies declared a non pecuniary interest in item 8 (minute 89) by virtue of being acquainted with the owner of the taxi company.

83 APPLICATION FOR A STREET COLLECTION PERMIT

The Strategic Director of Regeneration and Environment reported upon an application received from Rachel Griffiths on behalf of Claire House Childrens Hospice for a Street Collection Permit to take place on Sunday 27 April 2014 around the Marine Lake in West Kirby.

The application form was considered by Members.

Resolved - That the application for a Street Collection Permit received from Rachel Griffiths on behalf of Claire House Childrens Hospice to take place on Sunday 27 April 2014 around the Marine Lake in West Kirby, be granted.

84 PRIVATE HIRE VEHICLE LICENCE APPLICATION

Councillor A Hodson declared a non pecuniary interest in this matter and left the room during its consideration (minute 82 refers).

The Strategic Director of Regeneration and Environment reported on an application received to re-licence a Renault Espace, registration number PLG 333D, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had been licensed as a private hire vehicle since 28 February 2005 and had passed the compliance test necessary for a licence to be issued.

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

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

Resolved – That the application to re-licence the Renault Espace, registration number PLG 333D be granted for a further six months.

85 **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 the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act. The Public Interest test had been applied and favoured exclusion.

86 **HACKNEY CARRIAGE DRIVER LICENCE - APPLICATION (PTB)**

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

Members considered the representations made by Mr PTB regarding the circumstances and the nature of his convictions as well as other material information relevant to his personal circumstances.

In determining the matter, Members had regard to their Policy, in particular paragraph 6, as well as their overriding responsibility in respect of the protection of the public.

On this occasion and upon taking all matters into consideration, Members decided to act in accordance with their Policy.

In coming to this determination the Panel applied the principle of proportionality enshrined within the Human Rights Act 1998. In doing so, Members felt that the protection and safety of the public was of paramount concern and outweighed the personal impact upon the applicant of a refusal of their application.

Resolved - That Mr PTB's application for the grant of a Hackney Carriage Driver's Licence be refused.

87 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (MTR)**

The Strategic Director of Regeneration and Environment reported upon an application received by Mr MTR for the grant of a Private Hire Driver's Licence. Mr MTR attended the meeting together with the owner of the taxi company he intended working for and made representations in respect of his application for a Private Hire Driver's Licence.

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

Members had due regard to their Policy, however, after careful consideration of the representations made, 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 – That Mr MTR’s application for the grant of a Private Hire Driver’s Licence be approved.

88 **PRIVATE HIRE DRIVER LICENCE - CONVICTION (RJP)**

Councillor W J Davies declared a non pecuniary interest in this matter and left the room during its consideration (minute 82 refers).

Councillor S Niblock in the Chair

The Strategic Director of Regeneration and Environment submitted a report for Members to consider whether Mr RJP should be allowed to continue to hold his Private Hire Driver’s Licence.

Mr RJP attended the meeting together with the Manager of the taxi company he currently worked for. The Chair confirmed that Mr RJP was content for his Manager to remain in the meeting in view of the fact that the matter was exempt.

Members considered Mr RJP’s convictions as well as other material information presented at the hearing.

Members had particular regard to public safety as well as the expectation of the public for licensed drivers to be honest and trustworthy. Members also had regard to their Policy for licensing Hackney Carriage and Private Hire Drivers, in particular paragraph 12.1.

In coming to this determination the Panel applied the principle of proportionality enshrined within the Human Rights Act 1998. In doing so, Members felt that the protection and safety of the public was of paramount concern and outweighed the personal impact upon the applicant.

Resolved - That Mr RJP’s Private Hire Driver’s Licence be revoked with immediate effect.