

LICENSING PANEL

Friday, 9 May 2014

Present: Councillor WJ Davies (Chair)

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

92 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 J Salter declared a non pecuniary interest in item 6 (minute 97) by virtue of being acquainted with the applicant.

Councillor W J Davies declared a non pecuniary interest in the item regarding any other business (minute 105) by virtue of being acquainted with the applicant.

93 APPLICATION FOR A PERMIT TO MAKE A STREET COLLECTION OR SALE

The Strategic Director of Regeneration and Environment reported upon an application received from Caroline Soul on behalf of Cancer Research for a Street Collection Permit to take place during the Wirral Coastal Walk, an annual event organised by The Rotary Club of North Wirral on Sunday 11 May 2014.

The application form was considered by Members.

Resolved - That the application for a Street Collection Permit received from Caroline Soul on behalf of Cancer Research for a Street Collection Permit to take place during the Wirral Coastal Walk, an annual event organised by The Rotary Club of North Wirral on Sunday 11 May 2014, be granted.

94 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 the four available Hackney Carriage Vehicle Licences.

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 the availability of four Hackney Carriage Proprietor Licences had been advertised and letters sent to all drivers, vehicle proprietors and operators.

Twenty three applications had been received and Members were asked to run the computer programme which would randomly select four numbers between 1 and 23.

A number of applicants were in attendance at the meeting and Councillor Niblock ran the computer programme which selected the successful applicants.

Resolved - That the four available Hackney Carriage Vehicle Proprietor Licences be allocated to numbers 3, 17, 21 and 14, the applicants being Mr W Smith, Mr N Smith, Mr H Hayes and Mr P Hanlon respectively.

95 **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 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 unable to attend the meeting with his vehicle for Members of the Panel to inspect due to illness, therefore, the Licensing Manager requested that the Panel consider extending the licence to the date of the next Panel meeting.

Resolved – That the current licence of the Vauxhall Astra, registration number DE52 HNK be extended to the date of the next scheduled Licensing Panel.

96 **OVERAGE VEHICLE - VAUXHALL ASTRA, REGISTRATION NUMBER DA04 TVP**

Councillor J Salter took no part in the deliberations in this matter as he had not inspected the vehicle.

The Strategic Director of Regeneration and Environment reported on an application received to re-licence a Vauxhall Astra, registration number DA04 TVP, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had been licensed as a private hire vehicle since 3 December 2008 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 Vauxhall Astra, registration number DA04 TVP be granted for a further six months.

97 **APPLICATION TO LICENSE TWO FRONT SEAT PASSENGERS - VAUXHALL VIVARO REGISTRATION NUMBER FN57 WVZ**

Councillor J Salter declared a non pecuniary interest in this matter and left the room during its consideration (minute 92 refers).

The Strategic Director of Regeneration and Environment reported on an application received to license a Vauxhall Vivaro as a private hire vehicle to carry eight passengers, two passengers being carried in the front. Members were advised that the vehicle was currently licensed to carry seven passengers, one being carried in the front.

Members were informed that previous applications to license a Volkswagen Caravelle, a Volkswagen Transport, a Ford Tourneo and a Renault Traffic to carry two front seat passengers had been granted by the Licensing, Health and Safety and General Purposes Committee and that applications to license a Mercedes Vito to carry two front seat passengers had been refused.

The applicant attended the meeting with his vehicle which members of the Panel inspected.

Members considered the representations made and determined that there was sufficient space for two adult passengers to sit comfortably and safely in the front of the vehicle.

Resolved – That the application to license a Vauxhall Vivaro to carry eight passengers, two passengers being carried in the front, be granted.

98 **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.

99 **PRIVATE HIRE DRIVER LICENCE - CONVICTION (PM)**

The Strategic Director of Regeneration and Environment submitted a report for Members to consider whether Mr PM should continue to hold a Private Hire Driver's Licence. Mr PM attended the meeting and made representations in respect of this report.

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

On this occasion Members were persuaded to act outside of their Policy in determining this matter.

Resolved - That Mr PM be allowed to continue to hold a Private Hire Driver's Licence.

100 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (BJL)**

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

Members gave due consideration to Mr B JL's representations.

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 B JL's application for the grant of a Private Hire Driver's Licence be approved.

101 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (BPAG)**

The Strategic Director of Regeneration and Environment reported upon an application received by Mr B PAG for the grant of a Private Hire Driver's Licence. Mr B PAG 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 B PAG regarding the circumstances and the nature of his convictions as well as other material information relevant to his application.

In determining the matter, Members had regard to their Policy, in particular paragraphs 6.1 and 11.1, 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 B PAG's application for the grant of a Private Hire Driver's Licence be refused.

102 **PRIVATE HIRE DRIVER LICENCE - CONVICTION (ALJ)**

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

Mr ALJ attended the meeting and made representations in respect of the report.

Members considered Mr ALJ's convictions as well as other material information presented at the hearing and in the interests of public safety, determined that his recent conviction gave them cause for concern in respect of public safety should he continue to be licensed as a Private Hire Driver.

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 ALJ's Private Hire Driver's Licence be revoked with immediate effect.

103 **ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - PART 2**

The Chair accepted the following matter as an item of urgent business.

104 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (PAOG)**

The Chair declared a non pecuniary interest in this matter and left the room during its consideration (minute 92 refers).

Councillor S Niblock in the Chair

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

Members gave due consideration to Mr PAOG's representations.

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 PAOG's application for the grant of a Private Hire Driver's Licence be approved.