

LICENSING PANEL

Friday, 11 July 2014

Present:

Councillor	WJ Davies (Chair)	
Councillors	S Niblock	P Williams
	J Salter	A Hodson
	AER Jones	

8 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.

9 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 two 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 the Random Selection Process had taken place on 9 May 2014 however only two of the four applicants had presented a vehicle by the required date and therefore two licences remained available. Therefore, Members were asked to run the computer programme which would randomly select two numbers from the nineteen remaining applications. The successful applicants were required to present a vehicle which complied with the criteria for the granting of a Hackney Carriage Vehicle Licence within 28 days.

No applicants were in attendance at the meeting and Councillor Niblock ran the computer programme which selected the two successful applicants between 1 and 19.

Resolved - That the two available Hackney Carriage Vehicle Proprietor Licences be allocated to numbers 1 and 9, the applicants being Mr B Allinson and Mr S Marnell respectively.

10 **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.

11 **PRIVATE HIRE DRIVER LICENCE APPLICATION (PEM)**

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

Members had concerns as to the nature of Mr SPM's convictions and in particular were dissatisfied as to his explanation of the circumstances surrounding the offence of using a vehicle uninsured against third party risks for which he had been convicted.

In determining the matter, Members had regard to their Policy, in particular paragraphs 6.3 and 6.4 which emphasised their overriding responsibility in respect of the protection of the public and which states that where there is doubt that a person is "fit and proper" a licence will not be issued.

On this occasion and upon taking all matters into consideration, Members decided to act in accordance with their Policy as Mr SPM's representations did not satisfy Members that he would be a fit and proper person to hold a Private Hire Driver's Licence.

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 his application.

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

12 **PRIVATE HIRE DRIVER LICENCE APPLICATION (BGM)**

The Strategic Director of Regeneration and Environment reported upon an application received by Mr BGM for the grant of a Private Hire Driver's Licence. Mr

BGM 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 BGM 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 8.4, 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 were not satisfied as to the explanations given regarding Mr BGM's convictions and therefore were not persuaded to act outside of their Policy. Members did not consider that Mr BGM would be a fit and proper person to hold a Private Hire Driver's Licence.

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 his application.

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

13 HACKNEY CARRIAGE DRIVER LICENCE - APPLICATION TO RENEW (SJS)

The Strategic Director of Regeneration and Environment reported upon an application received by Mr SJS to renew his Private Hire Driver's Licence.

Mr SJS attended the meeting and made representations in respect of his application to renew his Private Hire Driver's Licence.

Resolved (5:1) –

(1) That Mr SJS's application to renew his Private Hire Driver's Licence be approved.

(2) That Mr SJS must complete a Driver Awareness Course no later than 18 August 2014.

Councillor A Jones left the meeting.

14 HACKNEY CARRIAGE DRIVER LICENCE - APPLICATION TO RENEW (SEAM)

The Strategic Director of Regeneration and Environment reported upon an application received by Mr SEAM to renew his Hackney Carriage Driver's Licence.

Mr SEAM attended the meeting and made representations in respect of his application to renew his Hackney Carriage Driver's Licence.

In determining the matter, Members took into account Mr SEAM's admissions that he had engaged in unacceptable behaviour and that these incidents had occurred after he had previously been served with a written warning as to his future conduct.

Members had serious concerns that, in the absence of any measures to address how Mr SEAM dealt with and responded to provocation, there may be a risk that this would undermine public safety.

Resolved (4:1) –

(1) That Mr SEAM's application to renew his Hackney Carriage Driver's Licence be approved.

(2) That Mr SEAM's Hackney Carriage Driver's Licence be suspended with immediate effect pending satisfactory completion of an anger management course.

15 ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR - PART 2 - PRIVATE HIRE DRIVER LICENCE APPLICATION (JB)

The Chair accepted this matter as an item of urgent business.

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

Members gave due consideration to Mr JB'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 were persuaded to act outside of their Policy in determining this application.

Resolved – That Mr JB's application for the grant of a Private Hire Driver's Licence be approved.