

# LICENSING PANEL

Friday, 20 January 2017

<u>Present:</u>	Councillor	WJ Davies (Chair)	
	Councillors	RL Abbey D Roberts P Stuart	A Hodson D Burgess-Joyce
<u>Apologies:</u>	Councillor	D Mitchell	

## 61 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 W J Davies declared a personal, non pecuniary interest in respect of item 6 on the agenda (Private Hire Driver Licence – Application (IMB)) by virtue of being acquainted with a family member of the applicant.

Councillor A Hodson declared a personal, non pecuniary interest in respect of item 10 on the agenda (Private Hire Driver Licence – Application (CPT)) by virtue of being acquainted with the applicant.

## 62 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.**

## 63 PRIVATE HIRE DRIVER LICENCE (DJB)

Councillors W J Davies and D Roberts did not take part in this matter.  
Councillor R Abbey in the Chair.

The Managing Director for Delivery submitted a report for Members to consider whether Mr DJB should continue to hold a Private Hire Driver Licence. Mr DJB attended the meeting and made representations.

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

**Resolved (3:1 Councillor P Stuart dissenting) -**

- (1) That Mr DJB be allowed to continue to hold a Private Hire Driver Licence.**
- (2) That Mr DJB be issued with a written warning as to his future conduct.**

**64 PRIVATE HIRE DRIVER LICENCE - APPLICATION (DRH)**

The Managing Director for Delivery reported upon an application received by Mr DRH for the grant of a Private Hire Driver Licence. Mr DRH attended the meeting together with his solicitor and made representations in respect of his application for a Private Hire Driver Licence.

Members considered the representations made by Mr DRH regarding the nature of his convictions as well as other material information relevant to his application. Members had regard to their Policy and on this occasion were not persuaded to act outside their Policy.

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 and felt that in seeking to ensure the legitimate aim of the protection of the public the decision made to refuse the application was justified in the circumstances.

**Resolved (4:2) - That Mr DRH's application for the grant of a Private Hire Driver Licence be refused.**

**65 PRIVATE HIRE DRIVER LICENCE - APPLICATION (IMB)**

Councillor W J Davies declared a personal interest in this matter and left the room during its consideration (minute 61 refers).

Councillor R Abbey in the Chair.

The Managing Director for Delivery reported upon an application received by Mr IMB for the grant of a Private Hire Driver Licence. Mr IMB attended the meeting and made representations in respect of his application for a Private Hire Driver Licence.

Members considered the representations made by Mr IMB regarding the nature of his convictions as well as other material information relevant to his application. Members had regard to their Policy and on this occasion were not persuaded to act outside their Policy.

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 and felt that in seeking to ensure the legitimate aim of the protection of the public the decision made to refuse the application was justified in the circumstances.

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

66 **PRIVATE HIRE DRIVER LICENCE AND HACKNEY CARRIAGE DRIVER LICENCE (SCJ)**

The Managing Director for Delivery submitted a report for Members to consider whether Mr SCJ should continue to hold a Private Hire Driver Licence and a Hackney Carriage Driver Licence. Mr SCJ attended the meeting and made representations.

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

**Resolved -**

- (1) That Mr SCJ be allowed to continue to hold a Private Hire Driver Licence and a Hackney Carriage Driver Licence.**
- (2) That Mr SCJ be issued with a verbal warning as to his future conduct.**

67 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (TRJ)**

The Managing Director for Delivery reported upon an application received by Mr TRJ for the grant of a Private Hire Driver Licence. Mr TRJ attended the meeting and made representations in respect of his application.

Members gave due consideration to Mr TRJ's representations.

Members had 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 TRJ's application for the grant of a Private Hire Driver Licence be approved.**

68 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (CJS)**

The Managing Director for Delivery reported upon an application received by Mr CJS for the grant of a Private Hire Driver Licence. Mr CJS attended the meeting and made representations in respect of his application.

Members gave due consideration to Mr CJS's representations.

Members had 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 (5:1 Councillor P Stuart dissenting) - That Mr CJS's application for the grant of a Private Hire Driver Licence be approved.**

69 **Councillors D Burgess-Joyce and A Hodson left the meeting.  
PRIVATE HIRE DRIVER LICENCE - APPLICATION (CPT)**

Councillor A Hodson declared a personal interest in this matter, left the room during its consideration (minute 61 refers) and took no further part in the following applications.

The Managing Director for Delivery reported upon an application received by Mr CPT for the grant of a Private Hire Driver Licence. Mr CPT attended the meeting and made representations in respect of his application for a Private Hire Driver Licence.

Members considered the representations made by Mr CPT regarding the number and nature of his convictions and his failure to disclose them, as well as other material information relevant to his application. Members had regard to their Policy and on this occasion were not persuaded to act outside their Policy.

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 and felt that in seeking to ensure the legitimate aim of the protection of the public the decision made to refuse the application was justified in the circumstances.

**Resolved (3:1 Councillor D Roberts abstaining) - That Mr CPT's application for the grant of a Private Hire Driver Licence be refused.**

70 **PRIVATE HIRE DRIVER LICENCE - APPLICATION (JJT)**

The Managing Director for Delivery reported upon an application received by Mr JJT for the grant of a Private Hire Driver Licence. Mr JJT attended the meeting and made representations in respect of his application.

Members gave due consideration to Mr JJT's representations.

Members had 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 and on the casting vote of the Chair, Members were persuaded to act outside of their Policy in determining this application.

**Resolved (2:2 On the Chair's casting vote) - That Mr JJT's application for the grant of a Private Hire Driver Licence be approved.**