

LICENSING PANEL

Friday, 15 December 2017

Present:

Councillors C Meaden
P Stuart
A Hodson

Apologies:

Councillors B Davies
R Abbey
D Burgess-Joyce
D Mitchell

77 **APPOINTMENT OF CHAIR**

In the absence of the Chair, it was –

Resolved – That Councillor P Stuart be appointed Chair for this meeting.

78 **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.

79 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - SKODA OCTAVIA, REGISTRATION NUMBER AD57 CWN**

The Managing Director for Delivery reported upon an application received to re-licence a Skoda Octavia, registration number AD57 CWN, beyond the normal over-age date for a licensed private hire vehicle.

This matter was withdrawn prior to the hearing.

80 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD FOCUS, REGISTRATION NUMBER BL57 SRV**

The Managing Director for Delivery reported upon an application received to re-licence a Ford Focus, registration number BL57 SRV, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had been licensed as a private hire vehicle since 3 March 2011 and the current licence was due to expire on 12 December 2017, however it had been extended to the date of this meeting. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members.

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

Resolved – That further to a suspension notice being issued in order that the windscreen be repaired, the application to re-licence the Ford Focus, registration number BL57 SRV be granted for a further six months subject to further inspection of the vehicle by a Licensing Officer.

81 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - RENAULT ESPACE, REGISTRATION NUMBER VO57 EEH**

The Managing Director for Delivery reported upon an application received to re-licence a Renault Espace, registration number VO57 EEH, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had been licensed as a private hire vehicle since 12 January 2016 and the current licence was due to expire on 11 January 2018. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members.

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

Resolved – That further to a suspension notice being issued in order that the six advisories on the MOT certificate be carried out and subject to a further MOT, the application to re-licence the Renault Espace, registration number VO57 EEH be granted for a further six months.

82 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - VAUXHALL VECTRA, REGISTRATION NUMBER FH07 TNE**

The Managing Director for Delivery reported upon an application received to re-licence a Vauxhall Vectra, registration number FH07 TNE, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had been licensed as a private hire vehicle since 8 June 2016 and the current licence was due to expire on 7 December 2017, however it had been extended to the date of this meeting. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members.

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

Resolved – That the application to re-licence the Vauxhall Vectra, registration number FH07 TNE be granted for a further six months.

83 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - HYUNDAI TRAJET, REGISTRATION NUMBER YB56 AOY**

The Managing Director for Delivery reported upon an application received to re-licence a Hyundai Trajet, registration number YB56 AOY, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had been licensed as a private hire vehicle since 15 June 2015 and the current licence was due to expire today. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members.

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

Resolved – That the application to re-licence the Hyundai Trajet, registration number YB56 AOY be granted for a further six months.

84 **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.

85 **PRIVATE HIRE DRIVER LICENCE (SB)**

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

Members considered the representations made by Mr SB regarding the number and 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 SB's application for the grant of a Private Hire Driver Licence be refused.

86 **PRIVATE HIRE DRIVER LICENCE (DS)**

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

Members considered the representations made by Mr DS.

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

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

87 **PRIVATE HIRE DRIVER LICENCE AND HACKNEY CARRIAGE DRIVER LICENCE (ES)**

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

Members considered the representations made by Mr ES.

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

Resolved – That Mr ES's application for the grant of a Private Hire Driver Licence and for the grant of a Hackney Carriage Driver Licence be approved.

88 **PRIVATE HIRE DRIVER LICENCE (JA)**

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

Members considered the representations made by Mr JA regarding the nature of his conviction 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 JA's application for the grant of a Private Hire Driver Licence be refused.

89 **PRIVATE HIRE DRIVER LICENCE (DH)**

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

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

Resolved (2:1) (Councillor P Stuart dissenting) -

(1) That Mr DH be allowed to continue to hold a Private Hire Driver Licence.

(2) That Mr DH be issued with a written warning as to his future conduct.

90 **PRIVATE HIRE DRIVER LICENCE (SJ)**

The Managing Director for Delivery submitted a report for Members to consider whether Mr SJ should continue to hold a Private Hire Driver Licence.

Mr SJ did not attend the meeting.

Resolved – That Mr SJ be instructed to attend the Licensing Office on Monday 18 December 2017 in order that this matter be delegated to be determined by Licensing Officers.

91 **PRIVATE HIRE DRIVER LICENCE (CS)**

The Managing Director for Delivery submitted a report for Members to consider whether Mr CS should continue to hold a Private Hire Driver Licence.

Mr CS did not attend the meeting.

Resolved –

- (1) That Mr CS be instructed to complete a Driver Awareness Course by 31 January 2018 and subject to him successfully completing this course he be allowed to continue to hold a Private Hire Driver Licence.**
- (2) That Mr CS's Private Hire Driver Licence be suspended should he not successfully complete the course by 31 January 2018.**

92 **PRIVATE HIRE DRIVER LICENCE AND HACKNEY CARRIAGE DRIVER LICENCE (SMcG)**

The Managing Director for Delivery submitted a report for Members to consider whether Mr SMcG should continue to hold a Private Hire Driver Licence and a Hackney Carriage Driver Licence.

Mr SMcG did not attend the meeting.

Resolved –

- (1) That Mr SMcG be instructed to complete a Driver Awareness Course by 31 January 2018 and subject to him successfully completing this course he be allowed to continue to hold a Private Hire Driver Licence and a Hackney Carriage Driver Licence.**
- (2) That Mr SMcG's Private Hire Driver Licence and Hackney Carriage Driver Licence be suspended should he not successfully complete the course by 31 January 2018.**

93 **PRIVATE HIRE DRIVER LICENCE (MW)**

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

Members considered the representations made by Mr MW.

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

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