

# LICENSING PANEL

Friday, 8 June 2018

Present: Councillor P Stuart (Chair)

Councillors RL Abbey A Hodson  
C Meaden D Mitchell  
M Sullivan

## 1 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.

## 2 STREET TRADING CONSENT APPLICATION

The Assistant Chief Executive reported upon an application received for a Street Trading Consent for a site located on Queen's Road, Wallasey.

The Licensing Team Leader advised Members that the application had been received for a site located on the paving area on Queen's Road, Wallasey adjacent to Wallasey Town Hall. Members had been provided with the application and the location of the proposed site.

It was proposed that the applicant would use a converted horse box to carry out the street trading offering sandwiches, salad boxes, baked potatoes and hot and cold drinks. Further details on what she would offer were detailed within her application. Photographs of examples of a converted horse box along with an alternative facility were distributed to Members.

The applicant did not attend the meeting.

Members considered the written representations made by the applicant and also had regard to the location of the pitch.

**Resolved – That the application for a Street Trading Consent be refused.**

## 3 PRIVATE HIRE VEHICLE APPLICATION - FORD GALAXY TITANIUM X, REGISTRATION NUMBER ML18 HND

The Assistant Chief Executive reported upon an application received to licence a Ford Galaxy Titanium X, registration number ML18 HND as a private hire vehicle outside the current criteria which states that side and rear windows must allow at least 70% of light to be transmitted through. Members were also asked to consider allowing the vehicle to be exempt from displaying Private Hire Vehicle Licence plates and the drivers of the vehicle to be exempt from wearing a Private Hire Driver Badge.

The owner of the vehicle and his wife were present at the meeting with the vehicle which was inspected by Members of the Panel. He advised Members that he had made the application due to the type of work he wishes to undertake which was luxury chauffeur transfers for members of the public who would particularly require privacy.

**Resolved (5:1) (Councillor R Abbey dissenting) –**

- (1) That the application for a PHV licence be granted subject to a Private Hire Operator Licence being issued.**
- (2) That the proprietor of the Ford Galaxy Titanium X, registration number ML18 HND be issued with a notice providing an exemption from the requirement to display Private Hire Vehicle Licence plates on the vehicle be granted.**
- (3) That the vehicle may only be used in circumstances where confirmation of the booking is made to the customer which includes the following:**
  - bookings must be made 24 hours in advance;**
  - the applicant text his customers including a picture of himself as the driver of the vehicle together with his vehicle, his name, badge number and vehicle registration number.**
- (4) That the vehicle may only undertake work through an invoicing system.**

**4 ANY OTHER URGENT BUSINESS - APPLICATION TO APPROVE A KPM AUTOMOTIVE MERCEDES VITO AS A HACKNEY CARRIAGE VEHICLE**

The Assistant Chief Executive reported upon an application received to approve a KPM Automotive Mercedes Vito, registration number GM62 CAB as a Hackney Carriage Vehicle.

The applicant attended the meeting and provided documentation to support his application. The vehicle was inspected by Members.

Members considered the representations made by the applicant and had particular regard to the submissions that the vehicle had undergone a conversion which complied with the same requirements that other vehicles had met when converted to be a purpose built HCV.

**Resolved – That the application to licence a KPM Automotive Mercedes Vito, registration number GM62 CAB as a Hackney Carriage Vehicle be approved subject to the advisories on the MOT being carried out.**

5 **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.

6 **PRIVATE HIRE DRIVER LICENCE (LCC)**

The Assistant Chief Executive reported upon an application received by Mr LCC for the grant of a Private Hire Driver Licence. Mr LCC attended the meeting and made representations in respect of his application.

Members considered the representations made by Mr LRH.

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

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

7 **PRIVATE HIRE AND HACKNEY DRIVER LICENCES (THG)**

The Assistant Chief Executive reported upon an application received by Mr THG for the grant of a Private Hire and a Hackney Carriage Driver Licence. Mr THG attended the meeting together with his son and made representations in respect of his application.

Members considered the representations made by Mr THG regarding the nature of his convictions as well as other material information relevant to his application.

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 THG's application for the grant of a Private Hire and a Hackney Carriage Driver Licence be refused.

8 **PRIVATE HIRE DRIVER LICENCE (AJR)**

The Assistant Chief Executive reported upon an application received by Mr AJR for the grant of a Private Hire Driver Licence. Mr AJR attended the meeting and made representations in respect of his application.

Members considered the representations made by Mr AJR.

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

**Resolved (4:2) (Councillors P Stuart and R Abbey dissenting) - That Mr AJR's application for the grant of a Private Hire Driver Licence be approved.**

**Councillors R Abbey, A Hodson and M Sullivan left the meeting.**

**9 PRIVATE HIRE DRIVER LICENCE (DT)**

The Assistant Chief Executive reported upon an application received by Mr DT for the grant of a Private Hire Driver Licence. Mr DT attended the meeting and made representations in respect of his application.

Members considered the representations made by Mr DT.

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

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

**10 HACKNEY CARRIAGE DRIVER LICENCE (BRF)**

The Assistant Chief Executive reported upon an application received by Mr BRF for the grant of a Hackney Carriage Driver Licence. Mr BRF attended the meeting and made representations in respect of his application.

Members considered the representations made by Mr BRF.

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

**Resolved - That Mr BRF's application for the grant of a Hackney Carriage Driver Licence be approved.**

**11 PRIVATE HIRE AND HACKNEY CARRIAGE LICENCES (KM)**

The Assistant Chief Executive submitted a report for Members to consider whether Mr KM should continue to hold a Private Hire and a Hackney Carriage Driver Licence. Mr KM attended the meeting and made representations.

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

**Resolved -**

**(1) That Mr KM be allowed to continue to hold a Private Hire and a Hackney Carriage Driver Licence.**

- (2) That Mr KM successfully complete a Driver Awareness Course by 31 July 2018.
- (3) That Mr KM provide a Doctor's note to the Licensing Office confirming he is fit for work as a licensed driver.

## 12 HACKNEY CARRIAGE DRIVER LICENCE (CJ)

The Assistant Chief Executive submitted a report for Members to consider whether Mr CMJ should continue to hold a Hackney Carriage Driver Licence. Mr CMJ attended the meeting together with his solicitor and made representations.

Members considered carefully the representations and the explanations given by Mr CMJ however, they did not consider that he was a fit and proper person to continue to hold a Hackney Carriage Driver Licence.

In coming to their 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.

**Resolved - That Mr CMJ's Hackney Carriage Driver Licence be revoked with immediate effect.**