

# LICENSING PANEL

Thursday, 27 June 2019

<u>Present:</u>	Councillor	P Stuart (Chair) D Burgess-Joyce L Rowlands
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<u>Apologies</u>	Councillors	G Wood J Stapleton G Davies A Hodson B Davies
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## 15 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.

## 16 PRIVATE HIRE VEHICLE LICENCE APPLICATION - LTI TXII, REGISTRATION NUMBER Y749 CGJ

The Corporate Director for Business Management reported upon an application received to license an LTI TXII, registration number Y749 CGJ, as a Hackney Carriage Vehicle.

On 22 May 2013, Members of the Licensing, Health and Safety and General Purposes Committee reported that:

In circumstances when a Hackney Carriage Vehicle proprietor wishes to change a Hackney Carriage Vehicle that is currently licensed to a different vehicle, the replacement vehicle must be the same age or less than the vehicle that is currently licensed up to a maximum of ten years old. Vehicles that are ten years old or more must be replaced by a vehicle that is no more than ten years old and that this Policy is to have immediate effect.

The applicant wished to change the vehicle that was currently licensed as a Hackney Carriage Vehicle, registration number M587 MYE, which was 24 years old, to the vehicle registration number Y749 CGJ, which was 18 years old.

The current vehicle was licensed until 30 November 2019. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available at the meeting.

The applicant attended the meeting, accompanied by a representative.

Members considered the representations made by the applicant and the exceptional condition of the vehicle. Members exercised their right to consider each case on its individual merits.

**Resolved – That the application to license the LTI TXII, registration number Y749 CGJ, be granted for six months.**

**17 PRIVATE HIRE VEHICLE LICENCE, BMW 730D, REGISTRATION NUMBER MA55 SSH**

The Corporate Director for Business Management reported upon an application to renew a Private Hire Vehicle Licence for a BMW 730D, registration number MA55 SSH, and to amend the conditions to permit the vehicle to be exempt from displaying Private Hire Vehicle Licence plates and to exempt the driver of the vehicle from wearing his Private Hire Driver Badge.

On 18 July 2018 the Licensing, Health and Safety and General Purposes Committee resolved that the procedure for licensing non-standard Private Hire vehicles be amended. This amendment was to replace the Special Event Private Hire Vehicle Licence conditions with the standard Private Hire Vehicle criteria and conditions and that any vehicle seeking to operate outside of these conditions and criteria be referred to the Licensing Panel so that each case could be considered on its own individual merits.

The owner of the vehicle was present at the meeting. He advised Members that he had made the application due to the type of work he undertakes, which was luxury chauffeur transfers for corporate clients only, who would particularly require privacy.

Members questioned the applicant regarding his business plan and any conditions they may implement.

**Resolved – That:**

- (1) The proprietor of the BMW 730D, registration number MA55 SSH be provided with a notice providing an exemption to the requirement to display Private Hire Vehicle Licence plates on the vehicle and to exempt the driver from the requirement to wear a Private Hire Driver Badge.**
- (2) The vehicle may only be used as a Private Hire Vehicle in circumstances where:**
  - The booking has been made 24 hours in advance of the journey**
  - The payment for the journey has been requested through an invoicing system or made by credit/debit card**
  - The following information is communicated to the customer in advance of the journey by email or text message:**
    - Name of the Private Hire Driver**
    - Photograph of the Private Hire Driver**
    - Badge Number of the Private Hire Driver**
    - Registration Number of the Vehicle**

- (3) The vehicle may only undertake work that is paid for through an invoicing system.

## 18 PRIVATE HIRE VEHICLE LICENCE (SGR)

The Corporate Director for Business Management reported upon an application received to license a Mercedes Vito 114 Tourer, 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 and to permit two passengers to be carried in the front. 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 was present at the meeting with the vehicle which Members of the Panel inspected.

Members considered the representations made by the applicant.

### **Resolved – That:**

- (1) The applicant be permitted to license a Mercedes Vito 114 Tourer 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.
- (2) The vehicle licence contains the following condition: only one passenger may be carried in the front of the vehicle.
- (3) The proprietor of the vehicle be issued with a notice providing an exemption from the requirement to display Private Hire Vehicle Licence plates on the vehicle and to exempt the driver of the vehicle from the requirement to wear a Private Hire Driver Badge when driving the vehicle.
- (4) The vehicle may only be used as a Private Hire Vehicle in circumstances where:
  - The booking has been made 24 hours in advance of the journey
  - The payment for the journey has been requested through an invoicing system or made by credit/debit card
  - The following information is communicated to the customer in advance of the journey by email or text message:
    - Name of the Private Hire Driver
    - Photograph of the Private Hire Driver
    - Badge Number of the Private Hire Driver
    - Registration Number of the Vehicle

- (5) The vehicle may only undertake work that is paid for through an invoicing system.

19 **ANY OTHER BUSINESS - PRIVATE HIRE VEHICLE LICENCE APPLICATION**

The Corporate Director for Business Management introduced a report to consider an application to re-license a Volkswagen Touran, registration number DA09 PFO, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had been previously licensed as a private hire vehicle since 12 October 2018 and the current licence was due to expire on 26 June 2019, however it had been extended to the date of the meeting.

A representative of the owner of the vehicle was present with the vehicle which Members of the Panel inspected.

In determining the application, Members had regard to the poor condition of the vehicle, as well as their Policy relating to the licensing of Private Hire Vehicles.

**Resolved** – That the application to re-license the Volkswagen Touran, registration number DA09 PFO, beyond the normal over-age date for a licensed private hire vehicle be refused.

20 **EXEMPT INFORMATION - EXCLUSION OF MEMBERS 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 the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act.

21 **PRIVATE HIRE DRIVER LICENCE (SJM)**

The Corporate Director for Business Management reported upon an application received by Mr SJM for the grant of a Private Hire Driver Licence.

Mr SJM attended the meeting, made representations in respect of his application and answered questions from Members.

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

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

22 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCE APPLICATIONS (DPA)**

The Corporate Director for Business Management reported upon an application received to grant a Private Hire and a Hackney Carriage Driver Licence to Mr DPA.

The applicant did not attend the meeting.

**Resolved – That the applicant be invited to attend a future meeting of the Licensing Panel, should he wish to pursue his application.**

**23 PRIVATE HIRE DRIVER LICENCE APPLICATION (TA)**

The Corporate Director for Business Management reported upon an application received from Mr TA for the grant of a Private Hire Driver Licence. Mr TA attended the meeting and made representations in respect of his application.

Members had regard to their policy however, after careful consideration of the representations made, exercised their right to consider each case on its individual merits and on this occasion, Members were persuaded to act outside of their Policy in determining this application.

**Resolved – (2:1) (Councillor P Stuart dissenting) That Mr TA's application for the grant of a Private Hire Driver Licence be approved.**

**24 PRIVATE HIRE DRIVER LICENCE (AFF)**

The Corporate Director for Business Management reported upon an application from Mr AFF for the grant of a Private Hire Driver Licence.

Mr AFF attended the meeting, made representations in respect of his application and answered questions from Members.

Members had regard to their policy however, after careful consideration of the representations made, exercised their right to consider each case on its individual merits and on this occasion, Members were persuaded to act outside of their Policy in determining this application.

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

**25 PRIVATE HIRE DRIVER LICENCE AND HACKNEY CARRIAGE DRIVER LICENCE (JJH)**

The Corporate Director for Business Management reported upon an application received from Mr JJH for the grant of a Private Hire and Hackney Carriage Driver Licence.

Mr JJH attended the meeting, made representations and answered questions in respect of his application.

Members had regard to their policy, however, after careful consideration of the representations made, exercised their right to consider each case on its individual

merits and on this occasion, Members were persuaded to act outside of their Policy in determining this application.

**Resolved – That Mr JJH’s applications for the grant of a Private Hire Driver Licence and Hackney Carriage Driver Licence be approved.**

**26 PRIVATE HIRE DRIVER LICENCE (CJE)**

The Corporate Director for Business Management introduced a report into whether Mr CJE should continue to hold a Private Hire Driver Licence.

Mr CJE did not attend the meeting.

**Resolved – That Mr CJE be advised to attend a future meeting of the Licensing Panel should he wish to continue with his application.**

**27 PRIVATE HIRE DRIVER LICENCE (MMR)**

The Corporate Director for Business Management reported upon an application received from Mr MMR for the grant of a Private Hire Driver Licence.

Mr MMR attended the meeting, made representations and answered questions from Members in respect of his application.

Members had regard to their policy, however, after careful consideration of the representations made, exercised their right to consider each case on its individual merits and on this occasion, Members were persuaded to act outside of their Policy in determining this application.

**Resolved – (2:1) (Councillor P Stuart dissenting)  
That Mr MMR’s application for the grant of a Private Hire Driver Licence be approved**

**28 HACKNEY CARRIAGE DRIVER LICENCE APPLICATION (LKH)**

The Corporate Director for Business Management reported upon an application received from Mr LKH for the grant of a Hackney Carriage Driver Licence.

Mr LKH did not attend the meeting

**Resolved – That Mr LKH be advised to attend a future meeting of the Licensing Panel, should he wish to continue with his application.**

**29 PRIVATE HIRE DRIVER LICENCE (MMU)**

The Corporate Director for Business Management submitted a report to consider an application received from Mr MMU for the grant of a Private Hire Driver Licence. Mr MMU attended the meeting, accompanied by his father-in-law, and made representations in respect of his application.

Members considered the representations made by Mr MMU regarding the circumstances 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.

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