

LICENSING PANEL

Friday, 24 January 2020

Present:

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| Councillor | P Stuart (Chair) | |
| Councillors | J Stapleton | M Collins |
| | L Rowlands | K Greaney |
| | D Mitchell | |

92 APPOINTMENT OF CHAIR

It was resolved that:

Councillor M Collins be appointed Chair for the meeting of the Licensing Panel.

93 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.

94 HACKNEY CARRIAGE VEHICLE LICENCE, FORD TOURNEO, REGISTRATION NUMBER MK66 RXU

The Director of Governance and Assurance introduced a report to consider an application to license a Ford Tourneo, registration number MK66 RXU, as a Hackney Carriage Vehicle. The date of the first registration of the vehicle was 23 November 2016. The vehicle had been tested at one of the Council's authorised testing stations.

The current criteria for licensing Hackney Carriage Vehicles included a requirement that:

Every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier).

The owner of the vehicle was present at the meeting with his vehicle which members of the Panel inspected. The owner was represented by a Member of Unite the Union

Resolved – That the application to license a Ford Tourneo, registration number MK66 RXU, as a Hackney Carriage Vehicle, be granted.

95 **APPLICATION TO LICENCE AN MG ZSEV AS A PRIVATE HIRE VEHICLE**

The Director of Governance and Assurance introduced a report to consider an application to licence an electrically powered MG ZSEV as a Private Hire Vehicle.

The Council's criteria for licensing Private Hire Vehicles states that:

Any vehicle with a top tread for the entrance which exceeds 38cm must be fitted with a step to allow easy access to and egress from the vehicle. Any vehicle that does not have a step fitted must carry a portable step to be available for use by all passengers.

The top tread for entrance to the MG ZSEV exceeded 38 cm. The Panel were asked to consider whether it was appropriate to licence the vehicle as a Private Hire Vehicle and to do so without the requirement to carry a portable step.

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

Resolved – That the application to licence an MG ZSEV as a Private Hire Vehicle be granted. That the conditions attached to the licence do not include a requirement to carry a portable step.

96 **PRIVATE HIRE VEHICLE LICENCE, BMW 730, REGISTRATION NUMBER W7 EXC**

The Director of Governance and Assurance introduced a report to consider an application to allow a BMW 730, registration number W7 EXC, to be exempt from displaying Private Hire Vehicle plates.

The Council may exempt a vehicle from the requirement to display a plate in accordance with section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, which states:

“The Council may exempt a vehicle from the requirement to display a plate or drivers from wearing a badge in accordance with section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, which states:

“(3) Where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by notice of writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not apply to the vehicle on any occasion specified in the notice or shall not apply while the notice is in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle”.

The owner of the vehicle had held a Private Hire Driver Licence since 7 January 2020 and was present at the meeting. He advised Members that he had made the application to enable him to operate an executive chauffeur business for corporate clients only.

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

Resolved – That:

(1) The proprietor of the BMW 730D, registration number W7 EXC 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**
- **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**

97 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 the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act.

98 PRIVATE HIRE DRIVER LICENCE (JDW)

The Director of Governance and Assurance reported upon an application received by Mr JDW for the grant of a Private Hire Driver Licence.

Mr JDW attended the meeting and made representations in respect of his application, which Members considered. Members questioned Mr JDW regarding 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 – (5:1) That Mr JDW’s application for the grant of a Private Hire Driver Licence be approved.

99 **PRIVATE HIRE DRIVER LICENCE (MMI)**

The Director of Governance and Assurance reported upon an application received from Mr MMI for the grant of a Private Hire Driver Licence.

Mr MMI attended the meeting and made representations, in respect of his application. Members questioned Mr MMI in respect of his application and considered the representations made by Mr MMI in response.

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 MMI’s application for the grant of a Private Hire Driver Licence be approved.

100 **PRIVATE HIRE DRIVER LICENCE (JJG)**

Councillor Les Rowlands left the room before consideration of this item and did not take part in its determination.

The Director of Governance and Assurance reported upon an application from Mr JJG for the grant of a Private Hire Driver Licence.

Mr JJG attended the meeting and made representations, in respect of his application. Members questioned Mr JJG in respect of his application. Members considered the representations made by Mr JJG.

Members did not consider Mr JJG to be a fit and proper person to be a Private Hire Driver due to the number and nature of the convictions recorded against him and his failure to declare offences when licensed as a Private Hire Driver.

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. Members were not persuaded to act outside of their Policy on this occasion.

Resolved – That Mr JJG’s application for the grant of a Private Hire Driver Licence be refused.