

REGULATORY PANEL

Wednesday, 3 November 2021

Present: Councillor A Hodson (Chair)

Councillors M Booth D Mitchell
C Jones C O'Hagan

66 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 A Hodson declared a personal interest in Item 10 – Private Hire Driver Licence (minute 75 refers) by virtue of having attended the same youth club as the applicant.

67 APPLICATION TO LICENSE AN LTI TX4 AS A HACKNEY CARRIAGE VEHICLE, REGISTRATION NUMBER DE02 PLZ

The Director of Law and Governance reported upon an application received to license an LTI TXII, registration number DE02 PLZ, as a Hackney Carriage Vehicle.

The current criteria that a Hackney Carriage Vehicle must comply with before being granted a licence includes the following:

(i) that every vehicle must comply with the Council's Hackney Carriage Vehicle Licence conditions;

(ii) that every vehicle must be purpose built and built to accommodate wheelchair disabled passengers;

(iii) that every vehicle must be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors, such testing to include the structural integrity;

(iv) that all vehicles licensed must be properly insured and that proof of such insurance be shown to the Council either upon application or before issue of licence;

(v) 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 vehicle had been licensed as a Hackney Carriage Vehicle since before 2008 and the licence expired on 17 October 2021. The date of first registration of the vehicle was 26 April 2002 and the vehicle is 19 years old. It therefore does not meet the criteria that every vehicle must be three years old or less. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with his vehicle which Members of the Panel inspected.

Resolved – That, further to the paintwork on the sill being renewed and this being verified by a Licensing Officer, the application to license an LTI TXII, registration number DE02 PLZ, as a Hackney Carriage Vehicle be granted.

68 **APPLICATION TO LICENSE AN LTI TX4 AS A HACKNEY CARRIAGE VEHICLE, REGISTRATION NUMBER D18 SMC**

The Director of Law and Governance reported upon an application received to license a LTI TXII, registration number D18 SMC, as a Hackney Carriage Vehicle.

The current criteria that a Hackney Carriage Vehicle must comply with before being granted a licence includes the following:

(i) that every vehicle must comply with the Council's Hackney Carriage Vehicle Licence conditions;

(ii) that every vehicle must be purpose built and built to accommodate wheelchair disabled passengers;

(iii) that every vehicle must be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors, such testing to include the structural integrity;

(iv) that all vehicles licensed must be properly insured and that proof of such insurance be shown to the Council either upon application or before issue of licence;

(v) 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 vehicle had been licensed as a Hackney Carriage Vehicle from 1 October 2015 until 30 September 2021 when the licence expired. The date of first registration of the vehicle was 1 September 2015 and the vehicle is 6 years old. It therefore does not meet the criteria that every vehicle must be three

years old or less. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle was present at the meeting with his vehicle which Members of the Panel inspected.

Resolved – That, subject to the advisories on the MOT certificate being carried out and this being verified by a Licensing Officer, the application to license an LTI TXII, registration number D18 SMC, as a Hackney Carriage Vehicle be granted.

69 **APPLICATION TO LICENSE A MERCEDES T1 EURO CAB AS A HACKNEY CARRIAGE VEHICLE, REGISTRATION NUMBER WN68 ZYM**

The Director of Law and Governance reported upon an application received to license a Mercedes Vito, registration number WN68 ZYM, as a Hackney Carriage Vehicle.

The current criteria that a Hackney Carriage Vehicle must comply with before being granted a licence includes the following:

(i) that every vehicle must comply with the Council's Hackney Carriage Vehicle Licence conditions;

(ii) that every vehicle must be purpose built and built to accommodate wheelchair disabled passengers;

(iii) that every vehicle must be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors, such testing to include the structural integrity;

(iv) that all vehicles licensed must be properly insured and that proof of such insurance be shown to the Council either upon application or before issue of licence;

(v) 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 date of first registration of the vehicle was 5 October 2018 and the vehicle is over 3 years old. It therefore does not meet the criteria that every vehicle must be three years old or less. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

A driver for the proprietor of the vehicle was present at the meeting with the vehicle which Members of the Panel inspected.

Resolved – That the application to license a Mercedes Vito, registration number WN68 ZYM, as a Hackney Carriage Vehicle be granted.

70 **APPLICATION TO LICENSE A MERCEDES T1 EURO CAB AS A HACKNEY CARRIAGE VEHICLE, REGISTRATION NUMBER BN07 UBO**

The Director of Law and Governance reported upon an application received to license a Mercedes T1 Eurocab, registration number BN07 UBO, as a Hackney Carriage Vehicle.

The current criteria that a Hackney Carriage Vehicle must comply with before being granted a licence includes the following:

(i) that every vehicle must comply with the Council's Hackney Carriage Vehicle Licence conditions;

(ii) that every vehicle must be purpose built and built to accommodate wheelchair disabled passengers;

(iii) that every vehicle must be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors, such testing to include the structural integrity;

(iv) that all vehicles licensed must be properly insured and that proof of such insurance be shown to the Council either upon application or before issue of licence;

(v) 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 vehicle had been licensed as a Hackney Carriage Vehicle since before 2008 and the licence expired on 25 October 2021. The date of first registration of the vehicle was 2 March 2007 and the vehicle is 14 years old. It therefore does not meet the criteria that every vehicle must be three years old or less. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available for Members.

The proprietor of the vehicle did not attend the meeting.

Resolved – That the proprietor of the Mercedes T1 Eurocab, registration number BN07 UBO be advised to attend a future meeting of the Regulatory Panel should he wish to pursue his application.

71 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD TOURNEO, REGISTRATION NUMBER BN71 ZTO**

The Director of Law and Governance reported upon an application received to license a Ford Tourneo, registration number BN71 ZTO, 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.

In September 2017 Members of the Licensing Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. A copy of the criteria was attached at Appendix 1 to the report.

Paragraph 36 of the criteria states that: The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

The applicant attended the meeting together with the proprietor of the vehicle. The applicant stated that he had ordered this vehicle as he intends to obtain his own Private Hire Operator Licence and carry out executive transportation work. The applicant further advised that he wished to also work through another Private Hire Operator to support his new business venture.

Resolved – That the application to license the Ford Tourneo, Registration Number BN71 ZTO, as a Private Hire Vehicle outside the current criteria be refused.

72 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - VAUXHALL INSIGNIA, REGISTRATION NUMBER SE16 CJJ**

The Director of Law and Governance reported upon an application received to license a Vauxhall Insignia, registration number SE16 CJJ, 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.

In September 2017 Members of the Licensing Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. A copy of the criteria was attached at Appendix 1 to the report.

Paragraph 36 of the criteria states that: The front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through.

The proprietor of the vehicle attended the meeting with the vehicle which was inspected by Members. The vehicle had been licensed as a Private Hire Vehicle from 1 November 2016 until 31 October 2019 when the licence expired. The date of first registration of the vehicle was 1 September 2015. The vehicle had been examined at one of the Council's authorised testing stations and the test certificates had been provided to Members.

Resolved – That the application to license the Vauxhall Insignia, Registration Number SE16 CJJ, as a Private Hire Vehicle outside the current criteria be refused.

73 **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.

74 **PRIVATE HIRE DRIVER LICENCE**

The Director of Law and Governance submitted a report for Members to consider whether LH should be granted a Private Hire Driver Licence.

JL attended the meeting made representations in respect of the application.

Members questioned JL.

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

Resolved – That JL's application for a Private Hire Driver Licence be granted.

75 **PRIVATE HIRE DRIVER LICENCE**

Councillor A Hodson declared a personal interest in this matter (minute 66 refers).

The Director of Law and Governance reported upon an application received by CBD for the grant of a Private Hire Driver Licence. CBD attended the meeting together with an acquaintance and made representations in respect of the application.

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

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.

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

76 **PRIVATE HIRE DRIVER LICENCE**

The Director of Law and Governance submitted a report for Members to consider whether NRPJ should continue to hold a Private Hire Driver Licence.

NRPJ did not attend the meeting.

Resolved – That NRPJ be instructed to attend the next meeting of the Regulatory Panel on 12 November 2021 and be advised that should he not attend, the matter would be considered in his absence.

77 **PRIVATE HIRE DRIVER LICENCE**

The Director of Law and Governance submitted a report for Members to consider whether CJP should continue to hold a Private Hire Driver Licence.

CJP did not attend the meeting.

Resolved – That CJP be instructed to attend a future meeting of the Regulatory Panel and be advised that should he not attend, the matter would be considered in his absence.

78 **PRIVATE HIRE DRIVER LICENCE**

The Director of Law and Governance submitted a report for Members to consider whether JDD should continue to hold a Private Hire Driver Licence.

JDD attended the meeting and made representations. Members questioned JDD.

Members considered carefully the representations made by JDD.

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

Resolved – That JDD be allowed to continue to hold a Private Hire Driver Licence and that he be given a written warning as to his future conduct.