

REGULATORY PANEL

Wednesday, 15 December 2021

Present: Councillor A Hodson (Chair)

Councillors M Booth D Mitchell
C Jones C O'Hagan

89 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.

90 PRIVATE HIRE VEHICLE LICENCE APPLICATION - MERCEDES C220, REGISTRATION NUMBER DA10 PDV

The Director of Law and Governance reported upon an application received to re-license a Mercedes C220, registration number DA10 PDV, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle from 10 April 2019 and the current licence was due to expire on 15 December 2021. The date of first registration of the vehicle was 8 July 2010. On expiry of a previous licence on 28 August 2020 a six month licence was granted under delegated authority and on expiry of that licence on 11 June 2021 a further six month licence was granted by the Regulatory Panel. 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 the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Mercedes C220, registration number DA10 PDV, as a Private Hire Vehicle be granted for six months.

91 APPLICATION TO LICENSE A MERCEDES T1 EURO CAB AS A HACKNEY CARRIAGE VEHICLE

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.

The Licensing Manager advised that this application had been withdrawn.

Resolved – That the application to licence the Mercedes T1 Eurocab, registration number BN07 UBO be withdrawn.

92 **PRIVATE HIRE VEHICLE LICENCE - MERCEDES E220, REGISTRATION NUMBER KN18 GVJ**

The Director of Law and Governance reported upon an application received to exempt a Mercedes E220, registration number KN18 GVJ, from displaying Private Hire Vehicle Licence plates and doorsigns.

The vehicle was currently licensed as a Private Hire Vehicle and was therefore subject to the conditions attached to that licence. The proprietor of the vehicle attended the meeting and outlined his business model to Members of the Panel. He advised that a large proportion of his clients wanted discretion when travelling and considered that potential customers would be

discouraged from using his service due to the display of doorsigns and licence plates on his vehicle.

Resolved – That the proprietor of the vehicle registration number KN18 GVJ be provided with a notice providing an exemption from the requirement to display Private Hire Vehicle Licence plates and doorsigns on the vehicle with the following conditions to be applied to the Private Hire Vehicle Licence and the Private Hire Operator Licence:

- All bookings must be made at least 24 hours in advance.
- Payment for all bookings must be requested through an invoicing system.
- The operator must communicate with customers for each booking taken, by text or email, with the following information:
 - Private Hire Driver name
 - Private Hire Driver photograph
 - Private Hire Driver badge number
 - Private Hire Vehicle registration number

For the avoidance of doubt, the above conditions also apply in respect of drivers and vehicles undertaking work for bookings subcontracted to other private hire companies.

93 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - IVECO FORD DAILY, REGISTRATION NUMBER GN09 MUP**

The Director of Law and Governance reported upon an application received to re-license a Iveco Ford Daily, registration number GN09 MUP, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle would be used exclusively to transport children to and from educational establishments. The vehicle had been licensed as a Private Hire Vehicle since 24 January 2019 and the current licence was due to expire on 5 January 2022. The date of first registration of the vehicle was 29 July 2009. On expiry of a previous licence on 11 June 2021 a six month licence was granted by the Regulatory Panel. 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 the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Iveco Ford Daily, registration number GN09 MUP, as a Private Hire Vehicle be granted for six months.

94 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD TRANSIT, REGISTRATION NUMBER GY61 VLL**

The Director of Law and Governance reported upon an application received to re-license a Ford Transit, registration number GY61 VLL, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle would be used exclusively to transport children to and from educational establishments. The vehicle had been licensed as a Private Hire Vehicle since 3 September 2020 and the current licence was due to expire on 30 December 2021. The date of first registration of the vehicle was 30 December 2011. 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 the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Ford Transit, registration number GY61 VLL, as a Private Hire Vehicle be granted for six months.

95 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - IVECO FORD DAILY, REGISTRATION NUMBER WA60 EWB**

The Director of Law and Governance reported upon an application received to re-license a Iveco Ford Daily, registration number WA60 EWB, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle would be used exclusively to transport children to and from educational establishments. The vehicle had been licensed as a Private Hire Vehicle since 31 October 2018 and the current licence was due to expire on 22 December 2021. The date of first registration of the vehicle was 15 December 2010. On expiry of a previous licence on 11 June 2021 a six month licence was granted by the Regulatory Panel. 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 the vehicle which Members of the Panel inspected.

Resolved – That the application to license the Iveco Ford Daily, registration number WA60 EWB, as a Private Hire Vehicle be granted for six months.

96 **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.

97 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES (SPA)**

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

SPA attended the meeting and made representations in respect of the application.

Members of the Panel and the legal advisor to the Panel questioned SPA.

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 SPA’s application for a Private Hire and a Hackney Carriage Driver Licence be granted.

98 **PRIVATE HIRE DRIVER LICENCE (CJP)**

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 attended the meeting together with his legal representative and made representations. CJP and his legal representative responded to questions from Members and the legal advisor to the Panel.

Members considered carefully the responses made by CJP and his legal representative.

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 CJP be allowed to continue to hold a Private Hire Driver Licence.

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

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

BPS attended the meeting and made representations in support of the application.

BPS responded to questions from Members of the Panel and their legal advisor.

Members considered carefully the responses made by BPS.

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 –

(1) That BPS be allowed to continue to hold a Private Hire Driver Licence subject to a condition that he must complete a Driver Awareness Course no later than 31 January 2022.

(2) That BPS be given a written warning as to his future conduct.

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

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

JAFS attended the meeting and made representations in respect of the application.

JAFS responded to questions from Members of the Panel and their legal advisor.

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 JAFS's application for a Private Hire Driver Licence be granted.

101 **PRIVATE HIRE DRIVER LICENCE (MFSG)**

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

MFSG attended the meeting and made representations in respect of the application.

MFSG responded to questions from Members of the Panel and their legal advisor.

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 MFSG’s application for the grant of a Private Hire Driver Licence be refused.