

REGULATORY PANEL

Friday, 25 November 2022

Present:

Councillor A Hodson (Chair)

Councillors S Bennett
M Booth

D Mitchell
C O'Hagan

79 **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.

80 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - PEUGEOT 308, REGISTRATION NUMBER PK62 XBF**

The Head of Legal Services reported upon an application received to license a Peugeot 308, registration number PK62 XBF, outside the current age policy for licensing Private Hire Vehicles. The vehicle had been licensed as a Private Hire Vehicle since 24 January 2022 and the current licence was due to expire on 10 December 2022. The date of first registration of the vehicle was 10 December 2012. 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 subject to cosmetic repairs to the bodywork being carried out, the staining on the front passenger seat being attended to and the vehicle being checked by a Licensing Officer, the application to license the Peugeot 308, registration number PX62 XBF, as a Private Hire Vehicle be granted for six months.

81 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD TRANSIT, REGISTRATION NUMBER BV66 KDF**

The Head of Legal Services reported upon an application received to license a Ford Transit, registration number BV66 KDF, 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.

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.

It was reported that the date of first registration of the vehicle was 2 September 2016 and should a licence be granted, the vehicle would be used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments.

The applicant attended the meeting together with two other persons in support of their application and the vehicle which was inspected by Members.

The applicant informed Members of the Panel that a DBS checked pupil escort would always be present in the vehicle when transporting children to and from educational establishments and that the vehicle had been equipped with CCTV.

In determining the application, Members took into consideration that the vehicle would be used exclusively to transport children to and from educational establishments, that there would always be a DBS pupil escort present in the vehicle and that the vehicle had been equipped with CCTV.

Resolved – That due to the restricted use of this vehicle, the fact that there would always be a pupil escort present in the vehicle and that CCTV had been fitted in the vehicle, the application to license the Ford Transit, Registration Number BV66 KDF, as a Private Hire Vehicle be granted.

82 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD TRANSIT, REGISTRATION NUMBER GY67 FPK**

The Head of Legal Services reported upon an application received to license a Ford Transit, registration number GY67 FPK, 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.

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.

It was reported that the date of first registration of the vehicle was 5 December 2017 and should a licence be granted, the vehicle would be used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments.

The applicant attended the meeting together with two other persons in support of their application and the vehicle which was inspected by Members.

The applicant informed Members of the Panel that a DBS checked pupil escort would always be present in the vehicle when transporting children to and from educational establishments and that the vehicle had been equipped with CCTV.

In determining the application, Members took into consideration that the vehicle would be used exclusively to transport children to and from educational establishments, that there would always be a DBS pupil escort present in the vehicle and that the vehicle had been equipped with CCTV.

Resolved – That due to the restricted use of this vehicle, the fact that there would always be a pupil escort present in the vehicle and that CCTV had been fitted in the vehicle, the application to license the Ford Transit, Registration Number GY67 FPK, as a Private Hire Vehicle be granted.

83 **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 item of business on the grounds that it involves 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.

84 **PRIVATE HIRE DRIVER LICENCE (CJC)**

The Head of Legal Services submitted a report for Members to consider whether CJC should continue to hold a Private Hire Driver Licence.

CJC attended the meeting and made representations. CJC responded to questions from Members and the legal advisor to the Panel.

Members considered carefully the responses made by CJC.

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

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

The Head of Legal Services reported upon an application received by MMR for the grant of a Private Hire Driver Licence. MMR attended the meeting with his legal representative and made representations in respect of the application.

Members of the Panel and their legal advisor questioned MMR and his legal representative.

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 MMR's application for the grant of a Private Hire Driver Licence be refused.