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LICENSING PANEL

Friday, 13 July 2018

Present:

Councillors A Hodson
D Mitchell
G Wood (for Cllr P Stuart)

Apologies:

Councillors P Stuart
R Abbey
C Meaden
M Sullivan
D Burgess-Joyce

13 **APPOINTMENT OF CHAIR**

Resolved – That Councillor A Hodson be appointed Chair for this meeting.

14 **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.

15 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - PROTON GEN2, REGISTRATION NUMBER GX08 BYA**

The Corporate Director for Business Management reported upon an application received to re-licence a Proton Gen2, registration number GX08 BYA, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had been licensed as a private hire vehicle since 1 May 2015 and the current licence was due to expire on 9 July 2018, however it had been extended to the date of this meeting. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members.

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

Resolved – That the application to re-licence the Proton Gen2, registration number GX08 BYA be granted for a further six months.

16 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - RENAULT ESPACE, REGISTRATION NUMBER VO57 EEH**

The Corporate Director for Business Management reported upon an application received to re-licence a Renault Espace, registration number VO57 EEH, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had been

licensed as a private hire vehicle since 12 January 2016 and the current licence was due to expire on 4 July 2018, however it had been extended to the date of this meeting. A further six month licence had been granted by the Licensing Panel on 15 December 2017. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members.

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

Resolved – That the application to re-licence the Renault Espace, registration number VO57 EEH be granted for a further six months.

17 PRIVATE HIRE VEHICLE LICENCE - MERCEDES S CLASS AND AUDI A8

The Corporate Director for Business Management reported upon an application received to licence two vehicles, a Mercedes S Class and an Audi A8, as private hire vehicles outside the current criteria which states that side and rear windows must allow at least 70% of light to be transmitted through and to exempt the vehicles from displaying Private Hire Vehicle Licence plates and to exempt the driver of the vehicle from wearing his Private Hire Driver Badge due to the type of work undertaken by the applicant.

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 members of the public who would particularly require privacy.

Resolved -

- (1) That the applicant be permitted to license a Mercedes S Class with rear tinted windows and an Audi A8 with rear tinted windows due to the specific nature of the work undertaken by these vehicles.**
- (2) That the proprietor of the vehicles be issued with a notice providing an exemption from the requirement to display Private Hire Vehicle Licence plates on the vehicles and to exempt the driver of the vehicle from the requirement to wear a Private Hire Driver Badge when driving these vehicles.**
- (3) That the vehicles may only be used in circumstances where confirmation of the booking is made to the customer which includes the following:**
 - bookings must be made 24 hours in advance;**
 - the applicant text/email his customers including a picture of the driver of the vehicle together with details of the name of the driver, badge number and registration number of the vehicle.**
- (4) That the vehicle may only undertake work that is paid for through an invoicing system.**

18 **PRIVATE HIRE VEHICLE LICENCE - MERCEDES E220, REGISTRATION NUMBER LL18 WXV**

The Corporate Director for Business Management reported upon an application received to exempt a Mercedes E220, registration number LL18 WXV from displaying Private Hire Vehicle Licence plates and to exempt the driver of the vehicle from wearing his Private Hire Driver Badge.

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 members of the public who would particularly require privacy.

Resolved -

- (1) **That the Mercedes E220, registration number LL18 WXV be licensed as a Private Hire Vehicle.**
- (2) **That 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.**
- (3) **That the vehicle may only be used in circumstances where confirmation of the booking is made to the customer which includes the following:**
 - **bookings must be made 24 hours in advance;**
 - **the applicant text/email his customers including a picture of the driver of the vehicle together with details of the name of the driver, badge number and registration number of the vehicle.**
- (4) **That the vehicle may only undertake work through an invoicing system.**

19 **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.

20 **PRIVATE HIRE DRIVER LICENCE (PS)**

The Corporate Director for Business reported upon an application received by Ms PS for the grant of a Private Hire Driver Licence. Ms PS attended the meeting and made representations in respect of her application.

Members considered the representations made by Ms PS.

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

Resolved - That Ms PS's application for the grant of a Private Hire Driver Licence be approved.

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

The Corporate Director for Business Management submitted a report for Members to consider whether Mr LK should continue to hold a Private Hire Driver Licence. Mr LK attended the meeting and made representations.

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

Resolved -

- (1) That Mr LK be allowed to continue to hold a Private Hire Driver Licence.**
- (2) That Mr LK successfully complete the NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) by 10 August 2018 and that it be reported back to the next Panel meeting should Mr LK fail to complete the NVQ by this date.**
- (3) That Mr LK be issued with a written warning as to his future conduct.**

22 **PRIVATE HIRE DRIVER LICENCE (RPP)**

The Corporate Director for Business submitted a report for Members to consider whether Mr RPP should be granted a Private Hire Driver Licence.

Mr RPP attended the meeting and made representations in respect of the report submitted.

Members considered the representations made by Mr RPP regarding the nature 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. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998 and felt that in seeking to ensure the legitimate aim of the protection of the public the decision made to refuse the application was justified in the circumstances.

Resolved - That Mr RPP's application for a Private Hire Driver Licence be refused.

23 **PRIVATE HIRE DRIVER LICENCE (KRD)**

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

Members considered the representations made by Mr KRD.

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

Resolved - That Mr KRD's application for the grant of a Private Hire Driver Licence be approved.

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