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## LICENSING PANEL

Friday, 9 November 2018

Present: Councillor P Stuart (Chair)

Councillors RL Abbey  
D Burgess-Joyce  
C Meaden  
D Mitchell  
A Hodson

### 68 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 5 on the agenda and left the meeting during consideration of this item.

### 69 PRIVATE HIRE VEHICLE LICENCE, VAUXHALL ASTRA, REGISTRATION NUMBER KM58 MWY

The Corporate Director for Business Management reported upon an application received to consider an application to re-licence a Vauxhall Astra, registration number KM58 MWY, beyond the normal over-age date for a licensed private hire vehicle. The vehicle had been previously licensed as a private hire vehicle since 2 May 2017 and the current licence was due to expire on 2 November 2018, however it had been extended to the date of the meeting.

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

**Resolved – That the application to re-licence the Vauxhall Astra, registration number KM58 MWY be approved for a further six months subject to the advisories on the MOT being carried out.**

### 70 APPLICATION TO LICENSE A FORD TOURNEO CUSTOM A CAB AS A PRIVATE HIRE VEHICLE

The Corporate Director for Business Management reported upon an application to license the Ford Tourneo Custom A Cab wheelchair accessible vehicle as a Private Hire Vehicle.

The vehicle has been converted by McElmeel Mobility Services Ltd. The conversion included fitting purpose-made ramps, anchor systems and head height mouldings. It was reported that each vehicle is converted to order in Northern Ireland. Copies of a letter of conformity for the ramp and a vehicle conversion/adaptation certificate were

attached at Appendix 2 of the report. The vehicle had M1 European Whole Vehicle Type Approval.

Members of the Panel inspected the vehicle.

Members considered the representations made by the applicant, asked questions of the applicant and considered the matter at length.

**Resolved – That the Ford Tourneo Custom A Cab be approved to be licenced as a Private Hire Vehicle, subject to each vehicle being presented for licensing with a satisfactory Individual Vehicle Approval Certificate.**

71 **APPLICATION TO LICENSE A FORD TOURNEO CUSTOM A CABBI AS A HACKNEY CARRIAGE VEHICLE**

The Corporate Director for Business Management reported upon an application received to license the Ford Tourneo Custom A Cabbi wheelchair accessible vehicle as a Hackney Carriage Vehicle.

The vehicle has been converted by McElmeel Mobility Services Ltd. The conversion included fitting purpose-made ramps, anchor systems and head height mouldings. It was reported that each vehicle is converted to order in Northern Ireland. Copies of a letter of conformity for the ramp and a vehicle conversion/adaptation certificate were attached at Appendix 2 of the report. The vehicle had M1 European Whole Vehicle Type Approval.

Members of the Panel inspected the vehicle.

Members considered the representations made by the applicant, asked extensive questions and considered the matter at length.

**Resolved – That the Ford Tourneo Custom A Cabbi be approved to be licenced as a Hackney Carriage Vehicle, subject to each vehicle being presented for licensing with a satisfactory Individual Vehicle Approval Certificate.**

72 **PRIVATE HIRE VEHICLE LICENCE, MERCEDES V220, REGISTRATION NUMBER P333 LEY**

(Councillor A Hodson declared an interest and did not take part in relation to this item).

The Corporate Director for Business Management reported upon an application to renew a Private Hire Vehicle Licence for a Mercedes V220, registration number P333 LEY, and to amend the conditions to permit the vehicle to be fitted with “privacy glass”, to be exempt from displaying Private Hire Vehicle Licence plates and to exempt the driver of the vehicle from wearing his Private Hire Driver Badge.

On 18 July 2018 the Licensing, Health and Safety and General Purposes Committee resolved that the procedure for licensing non-standard Private Hire Vehicles be amended. This amendment was to replace the Special Event Private Hire Vehicle Licence conditions with the standard Private Hire Vehicle criteria and conditions and

that any vehicle seeking to operate outside of these conditions and criteria be referred to the Licensing Panel so that each case could be considered on its own individual merits.

The applicant was present at the meeting and was questioned by the Panel. He advised Members that he was seeking to undertake luxury chauffeuring transfers for members of the public who would particularly require privacy.

**Resolved –**

- (1) 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.**
- (2) 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.**
- (3) That the vehicle may only undertake work through an invoicing system.**

**73 PRIVATE HIRE VEHICLE LICENCE, FORD TOURNEO, REGISTRATION NUMBER YF18 XDA**

(Councillor Hodson returned to the meeting).

The Corporate Director for Business Management reported upon an application received to licence a Ford Tourneo, registration number YF18 XDA, to have tinted windows fitted to his 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.

The owner of the vehicle was present at the meeting with the vehicle, which Members of the Panel inspected.

Members considered the representations made by the owner of the vehicle and deliberated at length.

**Resolved –**

- (1) (5:1) That the owner be permitted to fit tinted glass to vehicle registration number YF18 XDA. That the vehicle licence conditions be amended to restrict the use of the vehicle, when it has tinted windows, to only undertake executive chauffeur work.**
- (2) That conditions be attached to the licence to restrict the use of the vehicle to pre-booked corporate contract work.**

74 **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.**

75 **PRIVATE HIRE OPERATOR LICENCE - APPLICATION (CJT)**

The Corporate Director for Business Management reported upon an application received, to consider whether Mr CJT was a fit and proper person to hold a Private Hire Operator Licence. Mr CJT was accompanied by his Solicitor, Mr Tony Nelson.

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

Members gave due consideration to Mr CJT's representations. They raised concerns over Mr CJT's competency in respect of record keeping and his ability to operate lawfully. The Panel did not consider he was a fit and proper person to be granted a Private Hire Operator Licence.

**Resolved – That Mr CJT's application for a Private Hire Operator Licence be refused.**

Councillors Chris Meaden and Paul Stuart left the meeting following consideration of this item.

76 **PRIVATE HIRE DRIVER LICENCE (NRPJ)**

(Councillor Abbey in the Chair).

The Corporate Director for Business Management reported upon an application received by Mr NRPJ for the grant of a Private Hire Driver Licence. Mr NRPJ attended the meeting, answered questions from councillors and made representations in respect of his application.

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

**Resolved – (3:1) (Councillor A Hodson dissenting) - That Mr NRPJ be granted a Private Hire Driver Licence.**

77 **PRIVATE HIRE DRIVER LICENCE (WJW)**

(Councillor Stuart returned to the meeting and took the Chair).

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

Members considered the representations made by Mr WJW regarding the number and 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 WJW’s application for the grant of a Private Hire Driver Licence be refused.**

78 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCE - APPLICATIONS (AQ)**

(Councillor Meaden returned to the meeting).

The Corporate Director for Business Management reported upon an application for a Private Hire and Hackney Carriage Driver Licence from Mr AQ. Mr AQ attended the meeting, made representations and answered questions in respect of his application.

Members gave due consideration to the representations made by Mr AQ 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 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 AQ’s application for the grant of a Private Hire and Hackney Carriage Driver Licence be refused.**

79 **PRIVATE HIRE DRIVER LICENCE (CMW)**

(Councillor Abbey left the meeting).

The Corporate Director for Business Management reported upon an application for a Private Hire Driver Licence from Mr CMW. Mr CMW attended the meeting, made representations and answered questions in respect of his application.

Members considered the representations made by Mr CMW regarding the nature of his conviction 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 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 CMW’s application for the grant of a Private Hire Driver Licence be refused.**