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REGULATORY PANEL

Friday, 9 July 2021

Present: Councillor A Hodson (Chair)
Councillors D Burgess-Joyce D Mitchell
S Jones I Williams

19 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 S Jones declared a personal interest by virtue of her partner being a Private Hire Driver.

20 PRIVATE HIRE VEHICLE LICENCE APPLICATION - VW PASSAT, REGISTRATION NUMBER WN11 VUE

The Director of Law and Governance reported upon an application received to re-license a VW Passat, registration number WN11 VUE, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 6 June 2018 and the licence expired on 5 June 2021. The date of first registration of the vehicle was 13 May 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 VW Passat, registration number WN11 VUE, as a Private Hire Vehicle be granted for six months.

21 PRIVATE HIRE VEHICLE LICENCE APPLICATION - VAUXHALL ZAFIRA, REGISTRATION NUMBER DK11 UHG

The Director of Law and Governance reported upon an application received to re-license a Vauxhall Zafira, registration number DK11 UHG, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 16 February 2015 and the licence was due to expire on 15 July 2021. The date of first registration of the vehicle was 1 March 2011. On expiry of a previous licence on 29 January 2021 an application to grant a six month licence had been 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 Vauxhall Zafira, registration number DK11 UHG, as a Private Hire Vehicle be granted for six months.

22 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - CITROEN RELAY, REGISTRATION NUMBER NJ60 OAE**

The Director of Law and Governance reported upon an application received to re-license a Citroen Relay, registration number NJ60 OAE, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 6 August 2018 and the current licence was due to expire on 5 August 2021. The date of first registration of the vehicle was 17 September 2010. On expiry of a previous licence on 5 August 2020 an application to grant a six month licence had been granted under delegated authority. On expiry of this licence on 5 February 2021 an application to grant a six month licence had been granted by the Regulatory Panel. The vehicle is 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 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 Citroen Relay, registration number NJ60 OAE, as a Private Hire Vehicle be granted for six months.

23 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - IVECO FORD DAILY, REGISTRATION NUMBER WA60 EWG**

The Director of Law and Governance reported upon an application received to re-license a Iveco Ford Daily, registration number WA60 EWG, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 29 August 2019 and the current licence was due to expire on 1 August 2021. The date of first registration of the vehicle was 22 December 2010. On 29 January 2021 an application to grant a six month licence had been granted by the Regulatory Panel. The vehicle was 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 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 –

(1) That further to inspection by an officer the application to license the Iveco Ford Daily, registration number WA60 EWG, as a Private Hire Vehicle be granted for six months subject to the following works having been completed and evidence of this provided to the Licensing Authority.

- **The step at the rear to be removed or fixed**
- **The step at the side of the vehicle to be fixed**
- **The tyres to be replaced.**

24 APPLICATION TO LICENSE A PEUGEOT E7 AS A HACKNEY CARRIAGE VEHICLE

The Director of Law and Governance reported upon an application received to license a Peugeot E7, registration number SF60 HKY as a Hackney Carriage Vehicle.

On 22 May 2013 Members of the Licensing Health and Safety and General Purposes Committee resolved that in circumstances when a Hackney Carriage Vehicle proprietor wishes to change a Hackney Carriage Vehicle that is currently licensed to a different vehicle, the replacement vehicle must be the same age or less than the vehicle that is currently licensed up to a maximum of ten years old. Vehicles that are ten years old or more must be replaced by a vehicle that is no more than ten years old. The Regulatory Panel had been delegated with the authority to act outside this policy.

In accordance with this resolution, the Regulatory Panel were asked to consider an application submitted by the proprietor of a vehicle that was currently licensed as a Hackney Carriage Vehicle, registration number DG53 AFJ which was 17 years old to change the vehicle on that licence to vehicle registration number SF60 HKY which was 10 and a half years old. The current vehicle was licensed until 21 July 2021.

On 27 June 2021 the vehicle that was currently licensed suffered an electrical fire which had caused excessive damage to the vehicle and the proprietor

subsequently purchased the Peugeot E7, registration number SF60 HKY as a replacement vehicle.

Members of the Regulatory Panel were asked to consider the application and determine whether there was good reason to act outside the current policy and licence the vehicle as a Hackney Carriage Vehicle. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificates were available.

The proprietor of the vehicle was present at the meeting together with his representative from Unite the Union. Members of the Panel inspected the vehicle.

Resolved – That the Peugeot E7, registration number SF60 HKY be licensed as a Hackney Carriage Vehicle subject to a further inspection by a Licensing Officer to ensure the central locking system was working effectively.

25 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA AVENSIS, REGISTRATION NUMBER FP11 BYV**

The Director of Law and Governance reported upon an application received to re-license a Toyota Avensis, registration number FP11 BYV, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 12 December 2018 and the licence expired on 4 February 2021. The date of first registration of the vehicle was 9 May 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 subject to the steering column being fixed and evidence of this provided to the Licensing Authority, the application to license the Toyota Avensis, registration number FP11 BYV, as a Private Hire Vehicle be granted for six months.

26 **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.

27 **PRIVATE HIRE DRIVER LICENCE (GSPK)**

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

Mr GSPK attended the meeting and made representations. Members questioned Mr GSPK.

Members considered carefully the representations made by Mr GSPK.

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 –

- (1) That Mr GSPK be allowed to continue to hold a Private Hire Driver Licence.**
- (2) That Mr GSPK be issued with a written warning as to his future conduct.**

28 **PRIVATE HIRE DRIVER LICENCE (AL)**

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

Mr AL attended the meeting and made representations. Members questioned Mr AL.

Members considered carefully the representations made by Mr AL.

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 –

- (1) That Mr AL be allowed to continue to hold a Private Hire Driver Licence.**
- (2) That Mr AL be issued with a verbal warning as to his future conduct.**

29 **PRIVATE HIRE DRIVER LICENCE (JSB)**

The Director of Law and Governance reported upon an application received by Mr JSB for the grant of a Private Hire Driver Licence. Mr JSB attended the meeting and made representations in respect of his 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 Mr JSB’s application for the grant of a Private Hire Driver Licence be refused.

30 **PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCE APPLICATION (MDJK)**

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

Mr MDJK attended the meeting together with his legal representative and made representations.

The Investigating Officer was also in attendance. Members questioned Mr MDJK and the Investigating Officer.

Members considered carefully 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 and considered that in seeking to ensure the legitimate aim of the protection and safety of the public, a refusal of the application was justified in the circumstances.

Resolved – That Mr MDJK’s application for a Private Hire and a Hackney Carriage Driver Licence be refused.

31 **PRIVATE HIRE DRIVER LICENCE (MDKR)**

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

Mr MDKR attended the meeting together with his wife and made representations.

Members questioned Mr MDKR.

Members considered carefully 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 and considered that in seeking to ensure the legitimate aim of the protection and safety of the public, a refusal of the application was justified in the circumstances.

Resolved (4:1) – That Mr MDKR’s application for a Private Hire Driver Licence be refused.

32 **PRIVATE HIRE DRIVER LICENCE APPLICATION (CJE)**

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

Mr CJE attended the meeting together with representative from Unite the Union and made representations.

Members questioned Mr CJE.

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 (3:2) – That Mr CJE’s application for a Private Hire Driver Licence be approved.

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