

LICENSING AND APPEALS COMMITTEE

HELD:2 FEBRUARY 2016

Start: 7.45pm

Finish: 9.55pm

PRESENT: Councillor Devine (Chairman)
Councillor Delaney (Vice Chairman)

Councillors: Kay Nixon
McKay Patterson
C Marshall Mrs Stephenson
Mee Wright

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)
Assistant Solicitor (Mrs J Williams)
Senior Licensing Officer (Ms M Murray)
Member Services/Civic Support Officer (Mrs J Brown)

52. APOLOGIES

There were no apologies for absence received.

53. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

54. URGENT BUSINESS

There were no items of urgent business.

55. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

56. DECLARATIONS OF INTEREST

Councillor Nixon declared a pecuniary interest in relation to Agenda Item 10 – Hackney Carriage Driver – WK/000212449 as the driver is a friend of hers.

Councillor Devine and Councillor Nixon declared a pecuniary interest at Agenda Item 12 in relation to an Application for a Private Hire Driver Licence – Application Number WK/000210815 as the Applicants Representative was a friend of them both.

57. MINUTES OF SUB-COMMITTEES OR WORKING GROUPS

There were no Minutes to receive.

58. MINUTES

RESOLVED: That the Minutes of the meeting held on 1 December 2015 be received as a correct record and signed by the Chairman.

59. APPROVAL OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENTS 2016

Consideration was given to the report of the Interim Director Community Services as contained on pages 291 to 430 of the Book of Reports, the purpose of which was to approve the Hackney Carriage and Private Hire Licensing Policy Statement 2016 following public consultation.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions and comments raised by Members.

RESOLVED: That the Hackney Carriage and Private Hire Licensing Policy Statement 2016 as attached at Appendix 2 to the report be approved for use from 1 April 2016, having regard to the consultation responses attached at Appendix 3 to the report.

60. EXCLUSION OF PRESS AND PUBLIC

That under Section 100(A) 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 it involves the likely disclosure of exempt information as defined in paragraph 2 (identity of an individual), Paragraph 3 (Financial/Business Affairs), paragraph 5 (Legal Matters) and Paragraph 7 (Criminal Matters) part 1 of Schedule 12A outweighs the public interest in disclosing the information.

**61. HACKNEY CARRIAGE DRIVER - WK/000212449
(FINANCIAL/BUSINESS AFFAIRS / LEGAL MATTERS - PARAGRAPHS 3 & 5)**

Members were asked to consider a Hackney Carriage Driver Licence having regard to a caution not declared on the Statutory Declaration which accompanied his two previous renewal applications.

The driver attended the meeting with his representative and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That, under the provisions of Section 61(1)b of the Local Government (Miscellaneous Provisions) Act 1976, the Hackney Carriage Driver Number LN/000006660 be revoked with immediate effect on the grounds of reasonable cause in that the driver is not a fit and proper person to hold such a licence having regard to the nature of the caution.

(Note 1: Councillor Nixon declared a pecuniary interest, as the Applicant is a friend of hers and therefore left the Chamber during consideration of this item).

(Note 2: The Officers from Community Services left the meeting as Members considered their decision in this case).

**62. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000210950
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000210950 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000210950 be GRANTED.

(Note: The Officers from Community Services left the meeting as Members considered their decision in this case).

**63. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000210815
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000210815 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form.

The Applicant attended the meeting with his representative and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000210815 be REFUSED.

(Note 1: Councillor Devine and Councillor Nixon declared a pecuniary interest, as the Applicants representative was a friend to them both and therefore both Members left the Chamber during consideration of this item).

(Note 2: Councillor Delaney took the Chair for this item only).

(Note 3: The Officers from Community Services left the meeting as Members considered their decision in this case).

**64. PRIVATE HIRE DRIVER - WK/000207372
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider a Private Hire Driver Licence having regard to a current Police conviction received by the Driver.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That, under the provision of Section 61(1)b of the Local Government (Miscellaneous Provisions) Act 1976, the Private Hire Driver Licence Number LN/0000003562 be revoked with immediate effect on the grounds of reasonable cause in that the driver is not a fit and proper person to hold such a licence having regard to the nature of the conviction.

(Note: The Officers from Community Services left the meeting as Members considered their decision in this case).

- CHAIRMAN -