

LICENSING AND APPEALS COMMITTEE

HELD:21 OCTOBER 2014

Start: 7.30pm

Finish: 10.35pm

PRESENT: Councillor Griffiths (Chairman)

Councillors: Delaney Ms Melling
Devine Oliver
Mrs C Evans Owen
Kay Wright
Mee

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)
Principal Solicitor (Mr L Gardner)
Assistant Solicitor (Ms T Sparrow)
Senior Licensing Officer (Ms M Murray)
Senior Licensing Officer (Mrs S Jordan)
Member Services/Civic Support Officer (Mrs J Brown)

24. APOLOGIES

There were no apologies for absence received.

25. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

26. URGENT BUSINESS

There were no items of urgent business.

27. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

28. DECLARATIONS OF INTEREST

There were no declarations of interest.

29. MINUTES OF SUB-COMMITTEES OR WORKING GROUPS

There were no Minutes to receive.

30. MINUTES

RESOLVED: That the Minutes of the meeting held on 22 July 2014 be received as a correct record and signed by the Chairman.

31. PUBLIC REQUEST FOR AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE STATEMENT OF LICENSING POLICY 2013

Consideration was given to the report of the Assistant Director Community Services as contained on pages 79 to 87 of the Book of Reports to consider a request from a Private Hire Driver to change Appendix B, Section 8: Specification & Conditions of Licence, of the Hackney Carriage & Private Hire Statement of Licensing Policy 2013.

The Applicant attended the meeting and presented his case and further responded to questions and comments raised by Members.

The Commercial, Safety and Licensing Manager thanked the Applicant for his comments and assisted Members by suggesting that an appropriate Draft Policy be brought back to Committee with the various types of Licenced Vehicles.

RESOLVED: That, a Draft Minibus Policy be submitted to a future meeting of the Committee.

32. REMOVAL OF HACKNEY CARRIAGE LICENCE CONDITION

Consideration was given to the report of the Assistant Director Community Services as contained on pages 89 to 96 of the Book of Reports the purpose of which was to determine the removal of a condition relating to vehicle replacement from relevant Hackney Carriage Licences.

The Commercial, Safety and Licensing Manager outlined the report and explained that this item had been before the Committee in June 2014, where the item had been deferred in order to allow Officers to undertake a robust consultation with all Hackney Carriage Drivers. The findings of the consultation were detailed within the report.

Members from the Hackney Carriage trade attended the meeting to present their views and responded to questions and comments raised by Members.

RESOLVED: That, the condition detailed in paragraph 3.2 to the report be removed upon renewal of the 9 relevant Hackney Carriage Licences to ensure compliance with the Council's Hackney Carriage and Private Hire Policy Statement 2013.

33. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: 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) and Paragraph 7 (Criminal Matters) Part 1 of Schedule 12A of that Act and as in all circumstances of the case the public interest in maintaining exemption under Schedule 12A outweighs the public interest in disclosing the information.

**34. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000190296
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000190296 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form.

RESOLVED: That Application Number WK/000190296 be deferred one further cycle to allow receipt of the DVLA Report.

**35. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000191416
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000191416 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form.

RESOLVED: That Application Number WK/000191416 be deferred one further cycle to allow the Applicant another opportunity to attend.

**36. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000190744
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000190744 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/000190744 be GRANTED and that a warning be given concerning his future conduct.

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

**37. STREET TRADING CONSENT HOLDER
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider a Street Trading Consent WK/000195739 having regard to the offences recorded against the holder of the Street Trading Consent.

The holder of the Street Trading Consent was invited to the meeting but failed to attend.

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

RESOLVED: That under the provisions of Schedule 4 7(10) of the Local Government (Miscellaneous Provisions) Act 1982, Street Trading Consent WK/000195739 be REVOKED.

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

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

Members were asked to consider a Private Hire Driver Licence Number LN/000004446 having regard to information that had been received in respect of the driver's actions.

The Private Hire Driver attended the meeting and requested permission to submit his statement to Members. The Chairman allowed the statement to be circulated to Members of the Committee and Officers, giving sufficient time to read the information contained within it.

The Commercial, Safety and Licensing Manager and Officers from the Licensing Service responded to comments and questions raised by Members.

The Private Hire Driver was interviewed by the Committee during which he was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

- RESOLVED: A. That under the provisions of Section 61(a) of the Local Government (Miscellaneous Provisions) Act 1976, Private Hire Driver Licence Number LN/000004446 be revoked on the grounds of reasonable cause in that the Applicant is not a fit and proper person to hold such a licence having regard to his actions.
- B. That under the Provisions of Section 61 (2B) of the Local Government (Miscellaneous Provisions) act 1976 that in the interests of public safety the revocation of Private Hire Driver Licence Number LN/000004446 shall have immediate effect.

(Note 1: The Committee were informed that this Agenda Item should be entitled 'Private Hire Driver' and not Police Prosecution – Private Hire Driver).

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

**39. COUNCIL PROSECUTION - PRIVATE HIRE DRIVER
(IDENTITY OF AN INDIVIDUAL./ CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider a Private Hire Driver Licence having regard to an offence declared by the Private Hire Driver and a Council Prosecution.

The Private Hire Driver attended the meeting and was interviewed by the Committee during which she was advised of her right of appeal to the Magistrates Court if she was aggrieved by the decision.

RESOLVED: That Private Hire Licence Number LN/3276 and Private Hire Vehicle Licence Number PV0024 be suspended for a period of one month and that a warning letter be sent advising of her future conduct towards Officers and Members of the Committee, also that any future offences will result in further determination by the Licensing & Appeals Committee.

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

- CHAIRMAN -